

**IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,
BENGALURU**

DATED THIS THE 02ND DAY OF JULY 2020

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL (K-REAT) NO. 166/2020

(OLD RERA. APL No.237 of 2019)

BETWEEN:

M/s Monarch
A Partnership Firm,
Office at No. 54, Brigade Road,
Bengaluru – 560 001.
Rep by its partner Dawood Mohammed
S/o Mohammed Dawood,
Aged about 55 years

:APPELLANT

(By Sri K N Subramani, Advocate, Absent)

AND

1. The Karnataka Real Estate Regulatory Authority, Karnataka
Office at 2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560 027.
Represented by its Secretary
2. Sri M Dipesh K Shah
S/o Kishore V Shah

Aged about 37 years

3. Smt Megha D Shah
W/o Dipesh K Shah
Aged about 34 years,
Both Respondent No.2&3 are residing,
R/at Flat No. 501, 5th Floor,
S.L. Gardens, No.9 Link Road,
Shashadripuram,
Bengaluru – 560 020

:RESPONDENTS

(Sri S N Ashwathnarayan, Adv., for R1)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 before the Karnataka Appellate Tribunal, Bengaluru, to set aside the order dated 03rd September, 2019 in CMP/190129/0002011 passed by the Adjudicating Officer, RERA Respondent No.1. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 166/2020.

This appeal coming on for orders this day, Chairman delivered the following:

JUDGMENT

Memo of Appearance filed by Sri S.N.Ashwathnarayan to appear on behalf of R1 (RERA) is taken on record.

There is no representation for the appellant.

*Corrected VCO dated 21.10.2020

The appellant being aggrieved by the order dated 03.9.2019* passed in Complaint No.CMP/190129/0002011 by the learned Adjudicating Officer, RERA, Karnataka, allowing the complaint filed by R2 and R3 and directing the appellant (developer) to return a sum of Rs.6,65,000/- (Rupees six lakhs sixty five thousand only) each to the complainant which was received by the appellant towards purchase of Flat No.,7A3 and 9A3 together with interest at 2% above the marginal lending rate of interest on home loans commencing from the date of payment till the realization and further directing the developer to pay Rs.5,000/- towards cost of litigation to the complainant, had preferred this appeal before the Interim Tribunal (Karnataka Appellate Tribunal) on 02.11.2019*. Later, this appeal came to be transferred to this Tribunal and numbered as Appeal No.(KREAT) 166/2020.

Since the date of filing till date, the appellant has not chosen to furnish required set of appeal papers and process fee to issue notice to R2 and R3 despite granting sufficient opportunities. Hence, there is no point in keeping the appeal pending on the file of the Tribunal.

In view of the above, the appeal is dismissed for non-prosecution.

*Corrected VCO dated 21.10.2020

Registry is directed to communicate this order to the parties.

**Sd/-
HON'BLE CHAIRMAN**

**Sd/-
HON'BLE JUDICIAL MEMBER**

**Sd/-
HON'BLE ADMINISTRATIVE MEMBER**

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