

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

DATED THIS THE 6th DAY OF OCTOBER 2020

PRESENT

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL (K-REAT) NO.181/2020

(OLD RERA. APL No. 252 of 2019)

BETWEEN:

M/s NUDPL Enterprises Pvt. Ltd,
Earlier Nitesh Urbana Developers Pvt. Ltd,
Having its registered office at
No.8, 7th floor, Nitesh Time Square, M.G.Road,
Bengaluru-560 001.

Represented by its authorized representative
Sri. Prasad Badhya,
Son of Sri. Seetarama Badhya,
Aged about 40 years.

:APPELLANT

(By Sri Samarth Sridhar for M/s Shety & Hegde Associates, Adv)

AND

1) Sri. Sumit Baluja,
Son of Sri. G.D.Baluja,
Aged about 47 years,
Residing at CII K.Road,
Mahanagara Extension,
Uttar Pradesh,
Lucknow- 226 006
Bengaluru-560 035.

2) Adjudicating Officer,
Real Estate (Regulation and Development) Authority,
NO.1/14, Ground floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,

Bengaluru-56 00 27.

:RESPONDENTS

(Sri Basavaraj V Sabarad., Adv for R2)

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 31.05.2018 in CMP/171126/0000268 passed by the Adjudicating Officer RERA- Respondent. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT)181/2020.

This appeal coming on for orders this day, the Judicial Member made the following:

JUDGMENT

Sri Samarth Sridhar learned counsel for the Appellant is present and submitted that the appellant requires another 8 weeks time to comply with the office objection regarding statutory deposit of 30% of the penalty amount. Sri Gopinath, vice president (Legal) of the appellant company is also present.

Learned counsel Sri Sudhindra appears on behalf of Sri Basavaraj V Sabarad for R2 and submits that sufficient opportunity has been given to the appellant to comply with the office objection. In spite of giving sufficient opportunity, the appellant has not complied with the provision of Section 43 (5) of the Act and the appeal is liable to be rejected for non-compliance of office objection.

Admittedly, the appeal was filed on 18.11.2019 before the Interim Tribunal (KAT) Bangalore and subsequently transferred to

this Tribunal. The learned counsel for the appellant goes on praying time to comply the office objection regarding the deposit of 30% of the penalty amount on one pretext or the other. However till date the office objections has not been complied and case is today posted as last chance to comply with Section 43 (5) of the Act. Hence, we are of the view that there is no good ground to grant further time and accordingly, appeal is rejected for non compliance of Section 43 (5) of the Act.

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER