

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

**DATED THIS THE 06<sup>TH</sup> 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. 209/2020**

**(OLD RERA. APL No.280 of 2019)**

**BETWEEN:**

M/s NHDPL Enterprises Private Limited,  
Earlier Nitesh Housing  
Developers Private Limited,  
Having its registered office at  
No.110, Andrews Building,  
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 Shetty & Hegde Associates, Advocate)

**AND**

1. Sri Brijesh Kumar Gupta,  
Son of Sri Gyanachndra Gupta,  
Aged about 68 years,  
Residing at No.2/241,  
Vishal Khand II,  
Gomatinagar,  
Lucknow-226 010,

Uttar Pradesh

- 2.** Adjudicating Officer  
Real Estate (Regulation and Development)  
Regulatory Authority,  
No.1/14, Ground Floor,  
Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bengaluru-560 027.

**: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 29<sup>th</sup> March, 2019 in CMP/181009/0001434 passed by the Adjudicating Officer, RERA Respondent No.2. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 209/2020.

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

**JUDGMENT**

Sri Samarth Sridhar learned counsel for the Appellant is present and submitted that the appellant require 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, Advocate 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 27.11.2019 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**