

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

**DATED THIS THE 04<sup>th</sup> DAY OF NOVEMBER 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.13/2020**  
**(OLD RERA. APL No. 2 of 2019)**

**BETWEEN:**

Mr Sujit Sircar  
S/o Late Robin Sircar  
Salarpuria Magnificia – A-2004, 78,  
Doorvani Nagar, Next to Tin Factory Bus stop,  
Bengaluru – 560 016  
Occupation- Business

**:APPELLANT**

(By M/s JSM Law Partners, Adv, absent)

**AND**

1. Nitesh Housing Developers Private Limited,  
Nitesh Columbus Square Phase II,  
Level 7, Nitesh Times Square,  
No 8, MG Road,  
Bengaluru – 560 001
2. Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bengaluru -560027,  
Represented by its Secretary

**:RESPONDENTS**

(Sri S N Ashwathnarayan, 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 26<sup>th</sup> September, 2018 in CMP/180313/0000567 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) 13/2020.

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

**JUDGMENT**

There is no representation for the appellant.

2. Sri Sudhindra for Sri S.N.Aswathnarayan, learned counsel who appears for R2-RERA submits that appellant has not been appearing in the case and the appeal may be dismissed.

3. Complainant having not fully satisfied with the impugned order passed by the learned Adjudicating Officer, RERA, wherein learned Adjudicating Officer has allowed his complaint and directed the developer to pay him Rs.6545/- per month w.e.f. January 2015 to April 2017 and Rs.10000/- p.m. w.e.f. May 2017 till the date of developer issuing notice to the complainant intimating the time for delivering possession of the

flat in favour of the complainant, has preferred this appeal before the Interim Tribunal (KAT) as long back as 2.1.2019.

4. The Interim Tribunal (KAT) by order dated 13.3.2019 admitted the appeal by keeping open the point of limitation and ordered notice to the Respondents and ordered for calling of lower court records.

5. In view of the establishment of this Tribunal, the case was transferred from Interim Tribunal (KAT) to this Tribunal on 2.1.2020. After transfer of this appeal from Interim Tribunal (KAT) to this Tribunal, the matter was listed before this Tribunal on 7.1.2020. As there was no representation for the appellant as well as Respondent No.1, on that day the appeal was adjourned to 21.1.2020. On that day, one Sri Harsh Pareek for M/s JSM Law Partners appeared for the appellant and requested the Tribunal to have this matter on 31.1.2020. Thereafter, matter has been adjourned from time to time and there has been no representation for the appellant on most of the hearing dates and it was finally adjourned to this date as a last chance.

6. Despite giving sufficient opportunity to the appellant, appellant did not chose to appear and prosecute the appeal.

7. In view of the above, the appeal is dismissed for non-prosecution. Consequently, IA-I filed for condoning delay in preferring this appeal is also rejected.

**Sd/-**  
**HON'BLE CHAIRMAN**

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

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

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