

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

DATED THIS THE 09th 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

(K-REAT) FR NO. 65/2020

BETWEEN:

NHDPL South Private Limited,
No. 110, Level-1, Andrews Building,
MG Road, Bengaluru,
Karnataka – 560 001.

Represented by its Authorised Representative

:APPELLANT

(By M/s Shetty & Hegde Associates, Advocate)

AND

1. Sri Cony Louis Dsilva,
Krishna Shelton, Flat No.408,
Block A, Dwaraka Nagar,
Bagalur Cross, Yelahanka,
Bengaluru – 560 0263
2. The Adjudicating Officer,
Real Estate Regulatory Authority,
Ground Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru -560027,
Represented by its Secretary

:RESPONDENTS

(Sri S N Ashwathnarayan, Advocate, for R2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 19th September, 2019 in CMP/190417/0002295 passed by the Adjudicating Officer, RERA Respondent No. 2.

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

JUDGMENT

Sri Samarth Sridhar for M/s Shetty & Hegde Associates, learned counsel appearing for appellant, submits that due to financial constraint appellant could not make statutory deposit.

In spite of granting sufficient time, appellant has failed to make statutory deposit and comply with the proviso to Section 43(5) of the RERA Act, which is mandatory in case of appeal by developer.

Hence, appeal is dismissed for non-compliance of proviso to Section 43(5) of the Act.

**Sd/-
HON'BLE CHAIRMAN**

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

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