

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

DATED THIS THE 24th DAY OF JUNE 2021

PRESENT

HON'BLE SRI B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL NO. (K-REAT) 12/2021

BETWEEN:

M/s Trishul Developers,
Mittal Towers, No. 109 "B" Wing,
1st Floor, No.6, M.G Road,
Bengaluru-01.

Represented by its partner Mr. Niraj Mittal

APPELLANT

(Rep. by M/s Dhananjay Joshi Associates, Advocate)

AND

1. Mr. Balan Paravantavida
Son of Kanaran, aged about 65 years
Residing at SK Nivas (Kunchiraman),
PO Rayarangoth, Kozhikode,
Kerala- 673 102.
2. Real Estate Regulatory Authority,
Second floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru - 560 027.

RESPONDENTS

(Rep. by Sri Amit Anand, Advocate for R1)

(R2 served, unrepresented)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before the Karnataka Real Estate Appellate Tribunal, Bengaluru, to set aside the impugned order dated 02.08.2018 in CMP/171127/0000274 passed by the Adjudicating officer, RERA- Respondent No.2.

This appeal coming on for hearing this day, the Hon'ble Chairman made the following:

J U D G M E N T

Sri Amit Anand learned counsel appearing for R1 has filed detailed statement of objection to IA.I for CD and prays for dismissing the appeal both on the ground of inordinate delay in preferring the appeal and on maintainability.

The submission made by the learned counsel for the appellant that he has intimated the developer as well as his counsel today's hearing date on 14.06.2020 itself is placed on record.

There is no representation for the appellant/developer on the last date of hearing and even today.

Hence, we dismiss the appeal for non-prosecution.

The amount deposited by the appellant in part compliance of proviso to Section 43(5) of the RERA Act with the Tribunal is ordered to be paid to the 1st respondent-allottee along with interest if any, accrued there on by issuing a cheque or DD in his name by obtaining necessary documents, after

the expiry of 30 days from today prescribed for filing miscellaneous application.

**Sd/-
HON'BLE CHAIRMAN**

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

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

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