

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

DATED THIS THE 16th DAY OF JULY 2021

PRESENT

HON'BLE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE K P DINESH, JUDICIAL MEMBER

AND

HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER

**APPEAL NO. (K-REAT)49/2020
(Old RERA Appeal No.51/2019)**

BETWEEN:

M/s Saibya Structures Private Limited
Saibya Sterling, No.384, Ground Floor,
9th Main Sector-7, HSR Lay out
Bangalore-560 102.

A Company Registered Under the
Companies Act, 1956, and Represented by it's
Managing Director, Mr. Siddarth.

S/o Sanjay Kumar Gupta
Aged about 31 years

APPELLANT

(By Sri B.S Radhanandan, Advocate for appellant, Absent)

AND

1. Real Estate Regulatory Authority, Karnataka,
No. 1/14, Second floor, Silver Jubilee Block,
Unity Building backside, CSI Compound,
3rd Cross, Mission Road,
Bengaluru- 560 027.
Represented by its Secretary.
2. Sri Prashanth Kumar
S/o Umashankar Sahay,
Major in Age
No. 109/A, Ground Floor, 23rd Cross,
18th B Main, Sector-3, HSR Layout,
Bangalore-560 102.

3. Sri H. Jayarama Reddy
S/o Late H. Appi Reddy
Aged about 73 years
4. Sri H. Vijay Shekar Reddy
S/o H. Jayarama Reddy
Aged about 50 years
5. Sri H. Ajay Shekar Reddy
S/o H. Jayarama Reddy
Aged About 48 years
6. Sri H. Naveen Reddy
S/o H. Jayarama Reddy
Aged about 44 years
All are residing at No. 1107,
C-3, L&T South City Apartments,
Arikere Mico,
Bangalore-560 076.

RESPONDENTS

(R1 served, unrepresented)
(Sri Prashanth Kumar, Party-in-person for R2, Absent)
(Sri Ananth Nagaraj K, Advocate for R3 & R4 to R6 Absent)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, to set aside the order dated 11.02.2019 in Complaint No.CMP/180618/0000928 passed by the Adjudicating Officer, RERA- 1st Respondent before the Interim Tribunal (KAT). On establishment of this Tribunal with effect from 02.01.2020, the appeal was transferred and renumbered as Appeal No.(KREAT) 49/2020.

This appeal, coming on for orders this day, the Hon'ble Chairman delivered the following:

J U D G M E N T

There is no representation for the appellant.

In spite of giving several opportunities to the appellant, the appellant has not made pre-deposit as contemplated under proviso to section 43(5) of the Act.

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

The RERA is hereby directed to release the amount deposited by the appellant in part compliance of proviso to Section 43(5) of the Act in favour of the R2 after expiry of 30 days time allowed for filing miscellaneous application.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER