

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

DATED THIS THE 20th DAY OF JANUARY, 2022

PRESENT

HON'BLE JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER

FR NO. (K-REAT) 63/2021

BETWEEN:

M/s SJR Prime Corporation Pvt. Ltd,
A Company incorporated under the provisions of
The companies Act of 1956
Having its registered office at
The Hub, Ground Floor,
Sy. No.8/2, Sarjapur Road, Ambalipura
Bengaluru-560 102
Represented by its legal Head
Komala K. Reddy,
The Present Address
SJR Prime Corporation Palazza city
No.1 Industrial Layout, 7th block,
Koramangala,
Bangalore – 560 095.

...APPELLANT

(Rep. by M/s AKS Law Associates, Advocates)

AND

1. Karnataka Real Estate Regulatory Authority,
2nd floor, Silver Jubilee Block,
CSI compound, 3rd Cross, Mission Road
Bengaluru-560 027.
Represented by its Secretary

2. Ms. Vidula Isave,
Major, Business Bay, Wing 1,
Pune-411 006
Maharashtra

...RESPONDENTS

This Appeal is filed under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to set aside the impugned order dated 21.03.2020 passed by the RERA in complaint No. CMP/171128/0000279.

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

J U D G M E N T

The appellant who is a promoter of a real estate project has preferred this appeal challenging the impugned order passed by the RERA.

2. This appeal was filed on 23.11.2021 along with a DD dated 25.8.2021 for Rs. 4,45,269/- drawn on Karnataka Bank Ltd., in favour of the Registrar, KREAT, towards pre-deposit in compliance of proviso to Section 43(5) of the Act. The said DD dated 25.8.2021 was valid for three months from the date of issue, i.e., up to 25.11.2021. Thus when the appeal was filed along with the said DD, it was valid only for two days. As a result, the DD could not be taken into the account of the Registrar, KREAT on account of its invalidity. Therefore, the office has raised objections No.3 directing the appellant to take back the DD and submit a revalidated DD.

3. Accordingly, this Tribunal, by order dated 04.01.2022 & 12.01.2022 granted time to the appellant to furnish a revalidated DD. Despite granting sufficient time, the appellant has not complied with the same.

4. Further there was no representation for the appellant on 6.12.2021, 4.1.2022, 12.1.2022 and even today.

5. The appellant has neither appeared nor complied with other office objections including the objection relating to revalidation of DD. Non-submission of revalidated DD by the appellant tantamounts to preferring an appeal without statutory pre-deposit as contemplated under proviso to Section 43(5) of the RERA Act. Hence, the appeal is liable to be dismissed for non-prosecution and for non depositing of statutory amount in compliance of proviso to Section 43(5) of the Act. However, the appellant is at liberty to take back the DD, if he is so interested.

5. In view of the above, the following:

ORDER

- i) The appeal is dismissed for non-prosecution and non-furnishing of revalidated DD.
- ii) In view of the dismissal of the appeal, pending interlocutory applications, if any, do not survive for consideration and accordingly they stand disposed off;

iii) Registry is hereby directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received;

No order as to costs.

**Sd/-
HON'BLE CHAIRMAN**

**Sd/
HON'BLE JUDICIAL MEMBER**

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

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