

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

DATED THIS THE DAY OF 27th JUNE, 2022

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

FR (K-REAT) NO. 40/2022

BETWEEN:

M/s G M Infinite Dwelling (India) Private Limited,
Having its Corporate office at # No-6,
GM Pearl, 1st Stage, BTM Layout,
Bengaluru - 560068.

Represented by Authorized Signatory,
Gulam Mukthiyar
Javid Husain

:APPELLANT

(M/s Ayana Legal, Advocates-**Absent**)

AND

1. Secretary,
Real Estate Regulatory Authority, Karnataka,
Having Office at:
2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru - 560 027
2. Shivakumar Veerayya Hasavimath,
S/o. Veerayya S Hasavimath,
Aged about 44 years,
Residing at GM Infinite Silver Spring Field,
Tower-1-C-302, Jodi Mallasandra Village,
Hesaraghatta Main Road,
Bengaluru - 560057.

3. Brindavan Shivakumar,
W/o Shivakumar V Hasavimath
Aged about 46 years,
Residing at GM Infinite Silver Spring Field,
Tower-1-C-302, Jodi Mallasandra Village,
Hesaraghatta Main Road,
Bengaluru – 560057.

:RESPONDENTS

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 praying to set aside the impugned order dated 23.11.2020 in complaint No.CMP/191209/0004930 passed by the Adjudicating Officer.

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

JUDGMENT

The promoter has filed this appeal on 28.05.2022, challenging the impugned order dated 23.11.2020 passed by the learned Adjudicating Officer in complaint No.CMP/191209/0004930 by which, the promoter-appellant was directed to pay delay compensation with interest to the complainant-allottee on the amount paid by the allottee from January 2015.

2. At the time of scrutiny, the office has raised certain objections including non-deposit of total amount payable to the allottee, as ordered by the learned Adjudicating Officer and non production of registration certificate of the appellant company. Time was granted for the appellant on two occasions viz., on 31.05.2022 and 14.06.2022 to comply the office objections.

By order dated 14.06.2022, while granting time up to 27.06.2022 for compliance of office objections, it was made clear that if the appellant fails to deposit the amount, the appeal will be dismissed for non-deposit of total amount.

3. When the matter is called today, there is no representation on behalf of the appellant. This would indicate that the appellant is not evincing interest in prosecuting the appeal.

4. Therefore, the appeal is dismissed for non-compliance of office objection, particularly, for non-deposit of statutory amount.

**Sd/-
HON'BLE CHAIRMAN**

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