

IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU

DATED THIS THE 18th DAY OF AUGUST, 2022

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

Appeal (K-REAT) NO. 63/2022

BETWEEN:

S. Gopalakrishna,
N.10/1, 1st Floor,
Jyothinagar Doddabetahalli,
V.R. Pura Post,
Bangalore – 560 097.

:Appellant

(Appellant, Party-in-person)

AND

1. Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, Backside, Mission Road,
Bangaluru -560 027.
Represented by its Secretary.
2. M/s Century Sheltors Developers Pvt. Ltd.,
Represented by its Authorized Signatory.
3. M/s Century Real Estate Holdings Pvt. Ltd.,
Both situated at No.3/1, 4th Floor,
JP Techno Park,
Millers Road, Vasanth Nagar,
Bangalore – 560 052.
Represented by its Authorized Signatory.

: 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 03.06.2022 passed by the Authority in CMP/210729/0008169.

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

JUDGMENT

The appellant claims to be a lessee having lease-hold rights in the site of one Sri N.Subramanian, who happens to be his brother-in-law by alleging that Respondent Nos.2 and 3 are trying to put up construction in the site belonging to said Sri N.Subramanian and in the sites of other persons had filed a complaint before the Authority against the 2nd and 3rd respondents (promoter) on the ground that though the promoters had no valid title on the aforesaid sites had formed a residential layout in the said sites illegally and without obtaining necessary approval from the concerned authorities, praying the Authority to take appropriate action against the promoters for violating the provisions of the Real Estate (Regulation and Development) Act, 2016, and the Rules thereto (hereinafter referred to as Act and Rules).

2. After issuing notice to the promoters and hearing the parties, the Authority dismissed the complaint as not maintainable under Section 31 of the Act. Aggrieved by the said order, the appellant has preferred the above appeal praying to set aside the same.

3. The appellant, who appears as party-in-person, realizing his mistake that he has no independent right on the site to prosecute the case and it is the owner of the site Sri. Subramanian who has to prosecute the case, has filed a Memo praying this Tribunal to dismiss the above appeal as withdrawn with an observation that in the event of the original owner of the site Sri N. Subramanian filing a complaint before the Authority, the Authority may be directed to consider and dispose of the said complaint on merits and in accordance with law. The memo is taken on record.

4. Accordingly, the appeal is dismissed as withdrawn. It is needless to state that in case of original owner of site in question filing a complaint before RERA, the Authority is required to consider and dispose the same in accordance with law.

5. Registry is directed to comply with the provision of Section 44(4) of the Act.

**Sd/-
HON'BLE CHAIRMAN**

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

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