

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

DATED THIS THE DAY OF 19TH OCTOBER, 2022

PRESENT

HON'BLE JUSTICE 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) 47/2021

BETWEEN

Vasthi Housing Ltd.,
Plot No.41, H.No.8-2-269/S/41,
Sagar Society, Road No.2,
Banjara Hills, Hyderabad,
Telangana-560034.
Represented by its CEO
Mr. P.V. Ravindra Kumar

... APPELLANT

(Miss Anuroopa Venkatesh and Mr. Srikanth S, Advocates- Absent)

AND

1. The Karnataka Real Estate Regulatory Authority
No.1/14, 2nd Floor,
Silver Jubilee Block,
Unity Building Backside,
CSI Compound,
Bengaluru-560 027.
Represented by its Secretary.
2. Mr. Harish S Dattatreya,
Secretary, Vasathi Avante Apartment
Owner's Association,
A1 406, Vasathi Avante Apartment,
Ranchenahalli, Bengaluru Urban,
Karnataka-560077.

3. Sri. A.T. Babu Rao,
aged about 67 years,
S/o Late Sri. A. Thukarama Rao,
R/o 6/6, H.B. Samaja Road Cross,
Basavanagudi,
Bangalore – 560 004.
4. Sri. A.T. Shankara Rao,
aged about 58 years,
S/o Late Sri. A. Thukarama Rao,
R/o 6/6, H.B. Samaja Road Cross,
Basavanagudi,
Bangalore – 560 004.
5. M/s Anu Builders & Developers,
A Partnership firm having its office at
No. 119, 4th Cross, Mallappa Layout,
Kalyannagar, Bangalore – 560 043,
Rep. by its Managing Partner,
Sri. M Venkataram,
S/o Sri. K. Muniyappa,
No.83/1, Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.
6. Sri. Sathya Teja,
aged about 42 years,
S/o Sri. K. Muniyappa,
residing at No.83/1, Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.
7. Smt. Sowbhagya,
aged about 42 years,
W/o Sri. B. S. Vijaykumar,
residing at No.163, 4th Cross,
Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.
8. Sri. Ashok Kumar,
aged about 30 years,
S/o Sri. Narayanaswamy,
residing at No.163, 4th Cross,
Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.

9. Sri. M. Venkataram,
aged about 48 years,
S/o Sri. K. Muniyappa,
residing at No.83/1, Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.
10. Sri. M. Mylari,
aged about 44 years,
S/o Sri. K. Muniyappa,
No.83/1, Mallappa Layout,
Babusapalya Post, Kalyan Nagar,
Bangalore – 560 043.

...RESPONDENTS

(R1-RERA served, unrepresented,
R.2 –Party-in-person,
R.3-Party-in-person-Absent,
R.4- Party-in-person-Absent,
R.5 to R.10-Sri. N.R. Raghavendra-Absent)

This Appeal is filed under Section 44(1) and (6) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 33 of the Karnataka Real Estate (Regulation & Development) Rules, 2017, praying to set aside the impugned order dated 19.05.2021 in complaint No. CMP/191226/0005069 passed by the Authority-RERA, Respondent No.1.

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

J U D G M E N T

The appellant-promoter being aggrieved by the order dated 19.05.2021 in complaint No. CMP/191226/0005069 passed by the Authority-RERA, Respondent No.1 has preferred this appeal.

2. On 26.09.2022 based on the submission made by the learned counsel appearing for the appellant that appellant is not

assisting and he intends to retire from the case, we adjourned the appeal to 11.10.2022.

3. That on 11.10.2022 learned counsel for the appellant neither appeared nor filed a memo for retirement with prior intimation to the appellant expressing his desire to retire from the case. The above facts would show that the appellant is not diligent in prosecuting the appeal.

4. Office bearers of R2-Association submit that there has been no representation for appellant for the last several hearings and the appeal may be dismissed.

5. In view of the above, we pass the following:

ORDER

- i) The appeal is dismissed for non-prosecution;
- ii) The Registry to comply with the provisions of Section-44 (4) of the RERA Act and to return the records.

**Sd/-
HON'BLE CHAIRMAN**

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

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