

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

# 1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,  
3rd Cross, Mission Road, Bengaluru-560027

**PROCEEDINGS OF THE AUTHORITY BEFORE BENCH-4**

**Dated 17<sup>th</sup> February 2023**

**Present**

**SHRI. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN**

**COMPLAINT No: CMP/UR /200502/0005857**

**COMPLAINANT....**

**Vellenath C.**

#D.No: 109/A, 3<sup>rd</sup> Floor  
3<sup>rd</sup> Cross, 6<sup>th</sup> Main  
Srinivasanagara  
Banashankari 1<sup>st</sup> Stage  
Bengaluru-560 050.

**(In person)**

**V/S**

**RESPONDENTS.....**

**1. Santosh Balakrishna  
Shetty**

3<sup>rd</sup> Floor, Carlton Towers  
A-Wing, No.1, HAL Old  
Air Port Road  
**Bengaluru-560 008.**

**2. Santosh Alexander  
Benjamin,**

3<sup>rd</sup> Floor, Carlton Towers  
A-Wing, No.1, HAL Old  
Air Port Road  
**Bengaluru-560 008**

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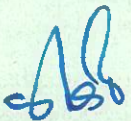
**3. Abraham**

3<sup>rd</sup> Floor, Carlton Towers  
A-Wing, No.1, HAL Old  
Air Port Road  
**Bengaluru-560 008**

**(represented by Uday  
Shankar Associates,  
Advocates & Legal  
Counsel)**

**RECALLING OF INTERIM ORDER**

1. The complainant Mr. Vellanath C. has filed this complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project "**Expat Crest-III**" developed by "**M/s Expat Projects and Development Private Limited**" in the limits of Kadenahallidinne Village, Gudibande Taluk, Chikballapur District, Karnataka for the relief of refund with interest.
2. This project is not registered in RERA. Vide this Authority order dated 16<sup>th</sup> November 2022 an interim order was passed directing the respondent/promoter M/s Expat Projects and Development Private Limited to register the project under RERA immediately as required under section 3 of the RERA Act within two weeks. As against this said interim order, the advocate for the respondent-1 has filed an application under section 151 of the Code of Civil Procedure on 16/1/2023 to recall the said interim order on the ground that Expat Projects and Developments Private Limited is not made as party to the proceedings since the present complaint has been preferred by the complainant against the respondent nos.1 to 3



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seeking refund of amount with interest. The present complaint filed against directors and employees of M/s Expat Projects and Development Private Limited, who have not been directly involved in the transaction between the complainant and the company. Hence, during the proceedings held on 13/2/2023, the respondents 1,2 and 3 have prayed this Authority to recall the said interim order.

3. During the proceedings held on 14/11/2022 this Authority has directed the M/s Expat Projects and Developments Private Limited to register the project under RERA vide interim order dated 16/11/2022. It is noticed that the said M/s Expat Projects and Developments Private Limited is not a party to the present proceedings. This being the facts, without impleading the said M/s Expat Projects and Developments Private Limited as party to the present proceedings and giving an opportunity with regard to registration of their project they cannot be directed to register the project. Therefore, in order to provide an opportunity to the said M/s Expat Projects and Developments Private Limited, the interim order dated 16.11.2022 is recalled. Consequently, the complainant is directed to implead the M/s Expat Projects and Developments Private Limited as respondent and to proceed further with the matter. Accordingly, I proceed to pass the following order:





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**ORDER**

The application filed under section 151 of the Code of Civil Procedure is hereby allowed. The Interim Order passed by this Authority dated 16/11/2022 is recalled with immediate effect.

  
(H.C. KISHORE CHANDRA)

Chairman  
K-RERA