HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 34627 OF 2025 (GM-RES)

BETWEEN:

1. MR. PRADEEP KUMAR DHANDHANIA

2. MR. MONALISA DHANDHANIA
REP BY HER HUSBAND AND
POWER OF ATTORNEY HOLDER
MR PRADEEPKUMAR DHANDHANIA

BOTH RESIDING AT FLAT NO.1201,
GINGER BLOCK, SALARPURIA GREENAGE,
HOSUR ROAD, BOMMANHALLI,
BEGUR, BENGALURU SOUTH,
BENGALURU - 560 068.

...PETITIONERS

(BY SRI. RAVI SHANKAR R., ADVOCATE)

AND:

1. KARNATAKA REAL ESTATE
REGULATORY AUTHORITY
SITUATED AT 2ND FLOOR,
SILVER JUBLI BLOCK,
UNITY BUILDING, CSI COMPOUND,
3RD CROSS, MISSION ROAD,
BENGALURU, KARNATAKA - 560 027
REP. BY ITS CHAIRMAN.
2. THE DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT,
BEHIND KANDAYA BHAVAN
KG ROAD, BANGALORE-560 009
REP. BY ITS COMMISSIONER.

3. THE SPECIAL TAHSILDAR,
BANGALORE EAST TALUK,
KR PURAM TALUK OFFICE,
BANGALORE-560 036.

4. LILY REALTY PVT.LTD.,
REGISTERED UNDER COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE AT
A-SHOP -12, FLOOR-1, PLOT-2,
A BLOCK, DATTATRAYA NIWAS,
GOKHALE ROAD (SOUTH),
PORTUGUESE CHURCH, DADAR (W),
MUMBAI CITY, MUMBAI,
MAHARASHTRA, INDIA, 400 028
REPRESENTED BY ITS
DIRECTORS RAJENDRA SINGH AND
AMIT BAMSHANKAR JHA

ALSO HAVING OFFICE AT NO.19/1,
DODDAMANE BUILDING,
2ND FLOOR, VITTAL MALLYA ROAD,
BENGALURU-560 001.

ALSO HAVING OFFICE AT
3RD FLOOR, BENGAL CHEMICALS BUILDING,
NO. 52, VEER SAVARKAR
MARG PRABHADEVI,
MUMBAI-400 025.

...RESPONDENTS

(BY SRI. GOUTHAM C ULLAL., ADVOCATE FOR R1;
SMT. NAVYA SHEKAR, AGA FOR R2 & R3;
V/O DT. 7/4/26 NOTICE TO R4 IS D/W)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT NO. 01- THE HON'BLE AUTHORITY TO CONSIDER AND PASS NECESSARY ORDERS AND DIRECTIONS ON THE

EXECUTION PETITION AND THE ACCOMPANYING APPLICATIONS IN COMPLAINT NO.8069 (AT ANNEXURE- E) FILED BY THE PETITIONER, WITHIN A SPECIFIED TIME OF 2 WEEKS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed seeking the following reliefs:

> *"1. To issue a writ in nature of mandamus or any other writ, order or directions, directing the Respondent No. 01- the Hon'ble Authority to consider and pass necessary orders and directions on the Execution Petition and the accompanying Applications in complaint No-8069 (at ANNEXURE- E) filed by the Petitioner, within a specified time of 2 weeks;*
>
> *2. To issue a writ in nature of mandamus or any other writ, order or directions, directing the Respondent No. 02 and 03 to act on the*

Direction and Order of Respondent No. 01 dated 17.04.2025 (at ANEXURE-L) by taking necessary steps and ensuring compliance of the directions and recover the money within a period of 3 months;"

2. The case on hand depicts a very sorry state of affairs. Petitioners, who are bonafide purchasers of residential apartment units along with parking spaces in "Pashmina Waterfront" project, which was developed by respondent No. 4, are aggrieved by the inaction on the part of respondent No. 1/authority in not implementing its own orders. Therefore, petitioner is compelled to knock the doors of this Court under Article 227 of the Constitution of India.

3. Heard the petitioners' counsel and learned Standing Counsel appearing for respondent No. 1 and learned AGA appearing for respondents 2 and 3.

4. On a complaint filed by the petitioners against the developer, first respondent/authority after due enquiry

has passed the following order, which is extracted as under:

> *"In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/210630/0008069 is hereby allowed*
>
> *1. The respondent is hereby directed to execute sale deed and to handover possession of flat bearing No. T0308D in the project 'Pashmina Waterfront Phase - 1' to the complainants within 60 days from the date of this order.*
> *2. Further, the respondent is directed to pay a sum of Rs.69,65,830/- (Rupees Sixty Nine Lakh Sixty Five Thousand Eight Hundred and Thirty Only) towards interest on delay period to the complainants within 60 days from the date of this order, calculated at the rate of 9% from 31/05/2015 to 30/05/2017 and at the rate of SBI MCLR + 2% from 01/05/2017*

to the date of handing over possession to the complainants.

3. The complainants are at liberty to enforce the said order in accordance with law if the respondent fails to comply with this order.

No order as to costs."

5. Adverting to the reliefs extracted supra, it is not in dispute that the petitioners, having succeeded before the first respondent/Authority constituted under the Real Estate (Regulation and Development) Act, 2016, have set the execution machinery in motion by filing an execution petition as evidenced at Annexure–"E". Once such execution petition is presented, the statutory scheme engrafted under sub-section (2) of Section 40 of the Act, 2016, leaves no manner of doubt that the Authority is clothed with a mandatory duty to enforce its own orders, more particularly in relation to recovery of amounts and securing compliance of its directions by adopting the mode of recovery as arrears of land revenue. The said statutory mandate is further reinforced under Rule 26 of the

Karnataka Real Estate (Regulation and Development) Rules, 2017 (for short "the Rules 2017"), which unequivocally empowers and obligates the Authority to ensure enforcement of its orders or that of the Appellate Tribunal.

6. The legislative intent behind the enactment of the Act, 2016, being a beneficial and self-contained code, is to provide a complete mechanism not only for adjudication of disputes but also for effective and time-bound enforcement of the reliefs granted to home buyers. However, in the present case, this Court finds, with considerable concern, that despite the petitioners having secured a favourable order dated 28.03.2024 directing execution of the sale deed and delivery of possession of Flat bearing No. T0308D, coupled with monetary compensation by way of interest, the first respondent/Authority has failed to even take cognizance of the execution petition, much less proceed to enforce the same.

7. This inaction and administrative apathy on the part of the Authority strikes at the very root of the statutory framework and renders the adjudicatory exercise nugatory. The right crystallized in favour of the petitioners by virtue of the order passed under Section 31 of the Act, 2016, cannot be permitted to remain illusory on account of executive inaction. The Authority, which is a creature of statute, is bound to act in aid of its own orders and cannot abdicate its statutory obligations. The delay of nearly two years in not initiating execution proceedings, despite a formal application by the petitioners, amounts to a clear dereliction of duty and defeats the very object of the enactment, which seeks to instill confidence among home buyers and ensure timely delivery of projects.

8. In that view of the matter, this Court is of the considered opinion that the petitioners, having acquired an enforceable legal right pursuant to the order passed by the first respondent/Authority as per Annexure–"D", are entitled to seek a writ of mandamus directing the

Authority to discharge its statutory obligations in letter and spirit, particularly in enforcing Relief No.1 relating to execution of the sale deed and handing over possession, as well as Relief No.2 pertaining to payment of interest.

9. In light of the foregoing discussion and having regard to the statutory mandate contained in Section 40(2) of the Act, 2016 read with Rule 26 of the Rules, 2017, this Court is compelled to intervene to ensure that the adjudicatory orders passed by the Regulatory Authority do not remain on paper, but are translated into effective reliefs on the ground. The continued inaction of the first respondent/Authority not only undermines the efficacy of the statutory mechanism but also causes grave prejudice and irreparable injury to the petitioners, who are deprived of both possession of the flat and the monetary compensation awarded in their favour.

10. This Court cannot countenance such laxity on the part of a statutory Authority, more so when the statute

itself provides a clear and efficacious mechanism for enforcement. The Authority is expected to act with promptitude and diligence, particularly in execution proceedings, which are intended to fructify the rights already adjudicated. Failure to do so would amount to rendering the statutory remedy illusory and defeating the legislative intent.

11. Accordingly, this Court deems it appropriate to issue necessary directions to the first respondent/Authority to forthwith take cognizance of the execution petition and proceed in accordance with law, strictly adhering to the statutory framework governing enforcement of its orders. Simultaneously, insofar as the monetary component of the order is concerned, appropriate directions are also required to be issued to the jurisdictional Deputy Commissioner to ensure recovery in accordance with law.

12. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***;

(ii) A writ of mandamus is issued directing the respondent No.1/Authority to forthwith take cognizance of the execution petition filed by the petitioners as per Annexure–"E" and to proceed with the execution of the order dated 28.03.2024 passed under Section 31 of the Act, 2016, strictly in terms of sub-section (2) of Section 40 of the Act, 2016 read with Rule 26 of the Rules, 2017;

(iii) The respondent No.1/Authority shall ensure enforcement of Relief No.1, namely execution of the sale deed and handing over possession of Flat bearing No. T0308D in favour of the petitioners, by referring the matter to Principle Civil Court in accordance to Rule 26 of the Rules, 2017, within an outer limit of six (6) weeks from the date of receipt of a certified copy of this order;

(iv) Insofar as Relief No.2 pertaining to payment of interest is concerned, the competent authority/Special Deputy Commissioner is directed to initiate recovery proceedings in accordance with Section 40(2) of the Act, 2016 and recover the

amount as arrears of land revenue and disburse the same to the petitioners within a period of three (3) months from the date of receipt of a certified copy of this order;

(v) It is made clear that any further delay or inaction on the part of the respondent authorities in complying with these directions shall be viewed seriously and may invite appropriate proceedings in accordance with law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
List No.: 1 Sl No.: 69