



CNR: KAHC010777562025

NC: 2026:KHC:39934
WP No. 36291 of 2025
C/W WP No. 36269 of 2025
WP No. 36270 of 2025
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 36291 OF 2025 (GM-CPC)

C/W

WRIT PETITION NO. 36269 OF 2025 (GM-CPC)

WRIT PETITION NO. 36270 OF 2025 (GM-CPC)

WRIT PETITION NO. 36287 OF 2025 (GM-CPC)

IN WP No. 36291/2025

BETWEEN:

SATCHMO HOLDINGS LIMITED
FORMERLY KNOWN AS
NEL HOLDINGS SOUTH LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
NO.110, LEVEL I, ANDREWS BUILDING
M.G. ROAD, BENGALURU-560 001
REPRESENTED HEREIN BY ITS
SENIOR GENERAL MANAGER- LEGAL AND
AUTHORIZED SIGNATORY
SRI. S. JAGANATHAN

...PETITIONER

(BY SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SRI. NAGESH MORO, ADVOCATE)

AND:

1. JAGDEEP SHOKEEN
S/O D.S. SHOKEEN
AGED ABOUT 44 YEARS
RESIDING AT NO. U-901





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ROHAN JHAROKA-2
YEMALUR, BENGALURU 560 037

2. SMITHA SHARMA
W/O JAGDEEP SHOKEEN
AGED ABOUT 44 YEARS
RESIDING AT NO. U-901
ROHAN JHAROKA-2
YEMALUR, BENGALURU 560 037

...RESPONDENTS

(BY SMT. SHOBHA BHAVIKATTI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 10.11.2025 PASSED BY THE COURT OF XLIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-45) AND IN EXECUTION PETITION 776/2025 (ANNX-J) WHEREBY THE PETITIONER SEEKING STAY OF FURTHER EXECUTION PROCEEDINGS HAS BEEN REJECTED WITHOUT ASSIGNING REASON AND CONSEQUENTLY ALLOW THE APPLICATION.

IN WP NO. 36269/2025

BETWEEN:

SATCHMO HOLDINGS LIMITED
FORMERLY KNOWN AS
NEL HOLDINGS SOUTH LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT NO. 110, LEVEL I,
ANDREWS BUILDING, M.G. ROAD
BENGALURU -560 001
REPRESENTED HEREIN BY ITS
SENIOR GENERAL MANAGER- LEGAL
AND AUTHORIZED SIGNATORY



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SRI. S. JAGANATHAN

...PETITIONER

(BY SRI.S.S.NAGANAND, SENIOR COUNSEL FOR
SRI.NAGESH MORO, ADVOCATE)

AND:

1. RAJESH DWIVEDI
SON OF S.R. DWIVEDI
AGED ABOUT 54 YEARS
RESIDING AT NO. 24A,
JAIN SWADESH
SURAMANYAPURA MAIN ROAD GUBLALA,
BENGALURU -560 061

2. PADMA KRISHNA
WIFE OF RAJESH DWIVEDI
AGED ABOUT 44 YEARS
RESIDING AT NO. 24A,
JAIN SWADESH,
SURAMANYAPURA MAIN ROAD
GUBLALA,
BENGALURU -560 061

...RESPONDENTS

(BY SMT.SHOBHA BHAVIKATTI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 10.11.2025 PASSED BY THE COURT OF XLIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-45) IN EXECUTION PETITION NO. 775/2025 (ANNEXURE H), WHEREBY THE PETITIONERS APPLICATION SEEKING STAY OF FURTHER EXECUTION PROCEEDINGS HAS BEEN REJECTED WITHOUT ASSIGNING REASONS, AND CONSEQUENTLY ALLOW THE APPLICATION.



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IN WP NO. 36270/2025

BETWEEN:

SATCHMO HOLDINGS LIMITED
FORMERLY KNOWN AS
NEL HOLDINGS SOUTH LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT NO. 110, LEVEL I,
ANDREWS BUILDING, M.G. ROAD
BENGALURU -560 001
REPRESENTED HEREIN BY ITS
SENIOR GENERAL MANAGER- LEGAL
AND AUTHORIZED SIGNATORY
SRI. S. JAGANATHAN

...PETITIONER

(BY SRI.S.S.NAGANAND, SENIOR COUNSEL FOR
SRI.NAGESH MORO, ADVOCATE)

AND:

1. A N SHIVAKUMAR
SON OF SRI. NIRANJAN
AGED ABOUT 58 YEARS
RESIDING AT NO. 1-4,
WILASA GRAND VILLAMENTS
KUMARAN SCHOOL ROAD
KONANNAKUNTE CROSS
DODDAKALASANDRA,
BENGALURU -560 062
2. INDUMATHI SHIVAKUMAR
WIFE OF A.N. SHIVAKUMAR
AGED ABOUT 54 YEARS
RESIDING AT NO. 1-4,
WILASA GRAND VILLAMENTS
KUMARAN SCHOOL ROAD
KONANNAKUNTE CROSS



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DODDAKALASANDRA,
BENGALURU -560 062

...RESPONDENTS

(BY SMT.SHOBHA BHAVIKATTI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER DATED: 10.11.2025 PASSED BY THE COURT OF XLIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-45), IN EXECUTION PETITION NO. 2201/2024 (ANNEXURE -K), WHEREBY THE PETITIONERS APPLICATION SEEKING STAY OF FURTHER EXECUTION PROCEEDINGS HAS BEEN REJECTED WITHOUT ASSIGNING REASONS, AND CONSEQUENTLY ALLOW THE APPLICATION UNDER ORDER XXI RULE 26 R/W SECTION 151 OF CPC, 1908 VIDE ANNEXURE-H.

IN WP NO. 36287/2025

BETWEEN:

SATCHMO HOLDINGS LIMITED
FORMERLY KNOWN AS
NEL HOLDINGS SOUTH LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT NO. 110, LEVEL I,
ANDREWS BUILDING,
M.G. ROAD
BENGALURU -560 001
REPRESENTED HEREIN BY ITS
SENIOR GENERAL MANAGER- LEGAL
AND AUTHORIZED SIGNATORY
SRI. S. JAGANATHAN

...PETITIONER

(BY SRI.S.S.NAGANAND, SENIOR COUNSEL FOR
SRI.NAGESH MORO, ADVOCATE)



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AND:

M.G.ASHOK RAO
SON OF LATE D. GOPAL RAO
AGED ABOUT 65 YEARS
RESIDING AT NO. 1674,
16TH MAIN
BANASHANKARI 2ND STAGE
BENGALURU -560 070

...RESPONDENT

(BY SMT.SHOBHA BHAVIKATTI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 10.11.2025 PASSED BY THE COURT OF XLIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-45) IN EXECUTION PETITION NO. 2202/2024 (ANNEXURE- K), WHEREBY THE PETITIONER'S APPLICATION SEEKING STAY OF FURTHER EXECUTION PROCEEDINGS HAS BEEN REJECTED, AND CONSEQUENTLY ALLOW THE APPLICATION.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED ON 10.07.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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CAV ORDER

W.P.No.36291/2025 arises out of Ex.P.No.776/2025,
W.P.No.36269/2025 arises out of Ex.P.No.775/2025,
W.P.No.36270/2025 arises out of Ex.P.No.2201/2024 and
W.P.No.36287/2025 arises out of Ex.P.No.2202/2024 dated
10.11.2025 on the file of XLIV Additional City Civil and Sessions
Judge, Bengaluru, wherein the Executing Court has refused to
grant stay of the proceedings. Hence, all these writ petitions
are disposed of by way of a common order.

2. This Court is not inclined to go into the particular
details. In all these cases, the petitioners are the judgment-
debtor and the respondents are the decree-holders in the
execution cases pending before the Executing Court.

3. The execution proceedings arise out of the order
passed by the Real Estate Regulating Authority (for short
'RERA'), which has transferred Lok Adalat award for
enforcement before the Civil Court. Before the trial Court
petitioner had filed an I.A.No.1 under Order XXI Rule 26 read
with Section 151 CPC seeking stay of execution proceedings on



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the ground that the issue of compliance falls exclusively within jurisdiction of RERA; RERA has seized of the matter; RERA has not recorded the statutory satisfaction under Section 40 of the RERA Act that Civil Court execution is necessary, and initiation or continuation of execution procedures before the Civil Court is premature, without jurisdiction, and the same is liable to be stayed. The Executing Court, by the order impugned, has rejected the I.A.

4. Learned Senior counsel, representing the learned counsel for the petitioner, submits that the order passed by the RERA has to be executed by the very same authority, and if it is not able to execute under Section 40 of the RERA Act, and execution by the Civil Court is necessary, it can be transferred to the Civil Court, and for that the reasons have to be recorded. It is his case that in this case, straight away, the case is referred to the Civil Court for execution. He relied on a judgment of the Co-ordinate Bench of this Court in the case of ***Mantri Developers Pvt. Ltd Vs. Snil Pathiyam Veetil***, arising out of ***W.P.No.17821/2025, clubbed with W.P.No.18348/2025 and***



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W.P.No.19184/2025, dated 31.10.2025, whereby the Co-ordinate Bench of this Court has held as follows:

"12. On a coalesce of the judgments noted above, what would unmistakably emerge is, the order of the Adjudicating Officer or the order of the Appellate Tribunal, constituted under the Act, does not assume the mantle of a decree, within the contemplation of Section 2(2) of the CPC. Therefore, such an order/orders cannot traverse the path of execution delineated under Order XXI of the CPC. The Courts have, in the afore-quoted judgments have illuminated that the proceedings before the RERA are not conceived in the mould of a civil suit, though the Act provides the procedure to be followed, as if it is a civil Court and therefore, cannot culminate in a decree in the classical sense. In that light, the applications so filed by the petitioner invoking Section 47 of the CPC to hold that the concerned Executing Court did not have jurisdiction was in tune with law. The order rejecting those applications and holding that the Court has jurisdiction to entertain the execution petition runs foul of law, therefore requires appropriate interference, which would lead to the obliteration of the proceedings, leaving open all the remedies available in law."

5. It is submitted that order passed by the RERA has to be executed by the very same authority. It is also submitted that after the execution is transferred to the Civil Court they



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have moved before RERA authority and by order dated 17.11.2025 the RERA has passed an order observing that Rule 26 of the Karnataka RERA Rules mandates the transfer of an order/decreed to the civil court is permissible only where the authority determines its "inability to execute the order". Such a determination necessarily requires an assessment of compliance; issuance of notice; hearing of objections of the affected party. None of these steps were undertaken. Hence, RERA has held that transferring the decree to the Civil Court, it is not in accordance with RERA Act and Rules. When it comes to whether authority has possessed the power to recall order, relying on certain judgments, it is held that it is inherent power of the tribunals and quasi-judicial authorities to recall orders passed without jurisdiction or in violation of natural justice or due to procedural irregularities that strike at the root of the decision. It has relied upon a decision in ***Union Bank of India Vs. Dinkar T. Venkatasubramanian (0561/2023)***. Accordingly, the order of transferring Decree Transfer Petition to the trial Court is without notice to the regulator and held that it is liable to be recalled as having been made in violation of



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natural justice. The RERA has passed order holding that the order passed in the Decree Transfer Petition is recalled; the complainants/decreed holders are eligible to initiate execution of recovery and enforcement procedures before the RERA authority in accordance with law in the first instance; the Judgment debtor shall be afforded a reasonable and adequate opportunity of participation and response in such proceedings; further the Decree Transfer Petition may thereafter be filed and upon conclusion of execution of proceedings before the RERA Authority, a finding of non-compliance by the judgment debtor and recording of this authority's inability to execute a decree; and such matter may be transmitted to the competent Civil Court for execution under Section 40 read with Rule 26. Learned Senior Counsel submits that the whole basis for the Execution Court to proceed with the execution is the order passed in the Decree Transfer Petition. Where the decree is transferred through the Executing Court, the very order itself is recalled by the RERA. The recalled order passed by the RERA is questioned before the RERA appellate authority by the



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respondents. It is submitted that as the order is recalled, nothing survives for consideration before the Executing Court.

6. Learned counsel appearing for the respondent submits that the compromise was entered into between the parties before the Lok Adalat and that the Lok Adalat award is an executable decree. Hence, the Civil Court has jurisdiction and can proceed with the matter. It is further submitted that, having entered a compromise, the petitioners herein cannot take a U-turn and make such submissions. It is submitted that the Court has rightly dismissed the application seeking a stay of all further proceedings. It is submitted that the matter should be proceeded with on the merits.

7. Having heard learned Senior counsel for the petitioner, learned counsel for the respondent, perused the material on record. The Court finds that the basis for the Executing Court to proceed with the matter is the Decree Transfer Petition, an order passed by the RERA. The very same order has already been recalled by the RERA, and that order is questioned before the appellate authority. Hence, the Executing Court cannot proceed with the execution in the light of the



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order dated 17.11.2025. The impugned order is dated 10.11.2025. The order of the RERA recalling the order of the Decree Transfer Petition is dated 17.11.2025. The reasons for the very proceedings before the trial Court are no longer available. Now, the Executing Court cannot proceed with the execution proceedings. The petitioners before this Court have questioned the order of the trial Court in not granting a stay. In the light of the above discussion, liberty is accorded to the petitioner to file an appropriate application before the trial Court to close the execution proceedings. In view of the above discussion, this Court is passing the following:

ORDER

- i. The order impugned dated 10.11.2025 is **set aside** proceedings.
- ii. The trial Court shall not proceed with the execution proceedings.
- iii. In the light of the fact that the order of the Decree Transfer Petition has been recalled by order dated 17.11.2025, the petitioner is at liberty to file an appropriate application before the Executing Court to close the execution



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proceedings, as the order itself has been recalled by the RERA authority and the court shall pass appropriate orders within one week from the date of filing of the application.

- iv. Accordingly, W.P.Nos.36291/2025, 36269/2025, 36270/2025, 36287/2025 are ***allowed***.
- v. All I.As. in these petitions shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 1