



CNR: KAHC010135092025

NC: 2026:KHC:44393-DB
WP No. 6217 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 6217 OF 2025 (GM-CON)

BETWEEN:

1. M/S ADHUNIK BUILDERS
A PARTNERSHIP FIRM
HAVING ITS OFFICE AT
FLAT NO. 101, PLOT NO. 617,
PARIMALA PRIDE APARTMENT
A E C S LAYOUT, FIRST MAIN
OPP BROOKFIELD KUNDALAHALLI
BENGALURU 560 035
REPRESENTED BY ITS
MANAGING PARTNER
SRI .I. SRINIVASA RAO

...PETITIONER

(BY SRI. SAMUEL K.AARONSKA, ADVOCATE FOR
SRI. ANANTHA PADMANABHA G N., ADVOCATE)

AND:

1. SRI R NAGESH
S/O RAMAIAH
AGED ABOUT 47 YEARS
R/AT NO. 140, 1ST CROSS
SIDDAPURA, RAMAGONDANAHALLI
BENGALURU NORTH
BENGALURU 560 066

...RESPONDENT

(BY SRI. SHARAN B.T., ADVOCATE)

Digitally
signed by
VASANTHA
KUMARY B
K

Location:
HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE ENTIRE RECORDS IN E. A. No. 45/2021 PENDING ON THE FILE OF THE KARNATAKA STATE CONSUMER DISPUTE REDRESSAL COMMISSION, PRINCIPAL BENCH, BENGALURU, ETC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ petition has been filed impugning the order dated 18.12.2024 passed by the Karnataka State Consumer Disputes Redressal Commission, Principal Bench, Bangalore, in Execution Application No.45/2021 whereby the petitioner builder has been directed in paragraph No.6 of the order as under:-

"06. In view of rejection of the Application filed by JDRs, having heard the Learned Counsels for the parties to the Execution application, DHR and JDR Mr. I. Srinivas Rao, who is personally present before the commission, with an interaction, since Mr. I. Srinivasa Rao, is Managing Director of the firm, is



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not from Karnataka State, as such in order to execute the decree or award, since parties have agreed to entrust the matter as to obtaining of approval from BBMP to proceed with the construction of the apartment by opposite parties/JDRs, as per modified plan sanctioned bearing proposal No. BMP/Ad.Com./MDP/1294/23-24 for approval for construction of apartment dated: 15.02.2024, Managing Director of the opposite party's firm/DHR has given his consent authorizing Mr. R. Nagesh/Dhr to obtain plan approval for construction of the apartment as per modified plan sanctioned and has also give his consent to execute a special power of attorney to him. In such circumstances, we found satisfied to record their consent with an object to resolve the dispute as per the mandate of the award passed by the Commission and directed the Managing Director of JDR company Mr. I. Srinivasa Rao, S/o. I. Bhaskar Rao, to execute Special Power of Attorney authorizing Mr. R. Nagesh, S/o. Ramaiah to obtain the plan sanctioned from BBMP at the cost of JDRs/opposite party company. In other words to say, the expenditure as to obtain plan approval for the construction of the apartment as per modified plan sanctioned shall have to be bear by JDR. The



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DHR has to maintain the details of expenditure incurred to obtain modified plan sanction.

The Managing Director of JDR firm is permitted to execute SPA by 03.01.2025."

2. We find it little strange that when the matter has attained finality up to the Supreme Court, vide Judgment passed by the Supreme Court on 21.11.2023 in Special Leave to Appeal (C) No.14908/2022, 'the petitioner' has filed this petition. Paragraph Nos.5, 6 and 7 of the said judgment passed by the Supreme Court would read as under:-

"5. At this juncture, learned Senior counsel for the petitioner seeks some time to make payment of the dues pursuant to the order passed by the State Commission as confirmed by the NCDRC, and prays to permit the petitioner to make payment by 12 equal installments, to which Mr. Anirudh Sanganeria, learned Advocate-on-Record appearing for Respondent No.1 has no objection.

6. In view of the consent given by Respondent No.1, it is directed that the petitioner shall make payment of the entire dues, pursuant to the order passed by the State Commission, as affirmed by National Commission in one year by 12 equal installments,



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and shall make payment of the entire dues by 30-11-2024. It is further directed that if the petitioner makes default in making payment consecutively for 2 months, it shall be open for the Respondent No.1 to execute the impugned order in accordance with law

7. Subject to the said direction, the Special Leave Petition is dismissed."

3. The petitioner-Builder/Real Estate Developer instead of complying the order passed by the Supreme Court as mentioned above, has approached this Court against an order passed by the Karnataka State Consumer Disputes Redressal Commission in Execution Petition and that order as stated above, was passed on the undertaking of the Managing Director of the petitioner-Company.

4. We find, the filing of this petition is nothing but gross abuse of the process of law and therefore, **dismiss** this writ petition with costs of Rs.1,00,000/- (Rupees One Lakh only) to be deposited by the petitioner within four weeks in favour of Armed Forces Battle Casualty Welfare Fund



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bearing Canara Bank Account No.90552010165915 or
S.B.I. Account No.40650628094.

5. Pending Interlocutory applications, if any, stand
disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

NG
CT:SN
List No.: 2 Sl No.: 9