



CNR: KAHC010176112025

NC: 2026:KHC:39521
WP No. 11696 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 11696 OF 2025 (GM-RES)

BETWEEN:

1. SIRSIMTH MEER ASHRAF ALI
57 YEARS
S/O S.M. ANWER ALI
58-12-20/1 G1, PRIYANKA RESIDENCY,
OLD KARASA, VISAKAPATNAM - 530 009.

2. AFROZ, 48 YEARS
W/O SIRSIMTH MEER ASHRAF ALI
58-12-20/1 G1, PRIYANKA RESIDENCY,
OLD KARASA, VISAKHAPATNAM - 530 009.

...PETITIONERS

(BY SRI. ABHIJEET SHARMA, ADVOCATE)

AND:

1. NATIONAL HOUSING BANK
THROUGH ITS MANAGING DIRECTOR
CORE 5-A, INDIA HABITAT CENTRE,
LODHI ROAD, NEW DELHI - 110 003.

2. RESERVE BANK OF INDIA,
(UNDER RBI ACT)
THROUGH ITS GOVERNOR
6, SANSAD MARG,
NEW DELHI - 110 001.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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3. UNION OF INDIA
THROUGH SECRETARY,
MINISTRY OF FINANCE
RAJPATH MARG, E-BLOCK,
CENTRAL SECRETARIAT
NEW DELHI - 110 011.
4. TRANSUNION CIBIL LIMITED
(UNDER COMPANIES ACT 1956)
FORMERLY CREDIT INFORMATION
BUREAU (INDIA) LIMITED,
THROUGH ITS MANAGING DIRECTOR
ONE WORLD CENTRE, TOWER 2A,
19TH FLOOR, SENAPATI BAPAT MARG,
ELPHINSTONE ROAD, MUMBAI - 400 013.
5. SANMAAN CAPITAL LIMITED
(INCORPORATED UNDER RBI)
FORMERLY INDIABULLS HOUSING FINANCE LTD.
THROUGH ITS MANAGING DIRECTOR
5TH FLOOR, BUILDING NO. 27,
KG MARG, CONNAUGHT PLACE,
NEW DELHI - 110 001.
6. OZONE URBANA INFRA DEVELOPERS PVT. LTD.,
(UNDER COMPANIES ACT 1956)
THROUGH ITS MANAGING DIRECTOR
NO.38, ULSOOR ROAD
BANGALORE - 560 042.
7. SATHYA MOORTHY SAI PRASAD
DIRECTOR, OZONE URBANA INFRA
DEVELOPERS PVT. LTD.,



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NO.38, ULSOOR ROAD
BANGALORE - 560 042.

8. VASUDEVAN SATHYAMOORTHY
DIRECTOR, OZONE URBANA INFRA
DEVELOPERS PVT. LTD., NO.38,
ULSOOR ROAD, BANGALORE - 560 042.
9. KARNATAKA REAL ESTATE
REGULATORY AUTHORITY,
THROUGH ITS CHAIRMAN
SECOND FLOOR SILVER JUBILEE BLOCK
3RD CROSS ROAD, CSI COMPOUND,
MISSION RD, SAMPANGI RAMA NAGARA,
BENGALURU - 560 027.

...RESPONDENTS

(BY SRI. V.C. SUDEEP, ADVOCATE FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A) ALLOW THE
PRESENT PETITION. B) ISSUE APPROPRIATE ORDER OR
DIRECTION TO THE RESPONDENT BANK (RESPONDENT NO.5)
TO CEASE AND DESIST FROM RECOVERING EMI PAYMENTS
FROM THE PETITIONER AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:
 - a. *Allow the present Petition.*
 - b. *Issue appropriate order or direction to the Respondent Bank (Respondent No.5) to cease and desist from recovering EMI Payments from the Petitioner.*
 - c. *Direct the Respondent No. 6, 7 & 8 Developers to pay Pre-EMI/EMIs.*
 - d. *Direct the Respondent Bank (Respondent No.5) to restrain from any precipitative action including but not limited to any civil or criminal proceedings in order to recover the purported loan, cease to take any coercive actions during the pendency of the present petition.*
 - e. *Direct the respondent-bank to refund the pre-EMIs/full EMIs paid by petitioner.*
 - f. *Direct the Respondent 4 & 5 to remove the name of the petitioner from the defaulters list of CIBIL and to withdraw all the legal proceedings initiated against the petitioner in respect of the loan amount and interest.*
 - g. *Direct the respondent Bank to recover the outstanding loans in question from respondent Developer (Respondent 6, 7 & 8).*
 - h. *Direct the Respondent Bank to refrain from taking any further action to recover any pre-EMI amounts from the Petitioner as such payments are premature and unlawful until the Petitioner is delivered possession of the property.*
 - i. *Direct the Respondent 9 to dispose the complaint filed by the petitioner within 60 days as per the*



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provisions of the RERA Act. Copy of the RERA complaint dated 28-02-2025 filed by the petitioner is annexed hereto and marked as ANNEXURE-E.

j. Grant any further relief that this Hon'ble Court deems fit and proper in the circumstances of the case, including but not limited to, the award of costs and damages for the undue financial burden and hardship faced by the Petitioner.

2. It is submitted that respondent No.6 has been admitted to insolvency proceedings in CP(IB) No.119/BB/2021.
3. Hence, reserving liberty to the petitioners to agitate all the issues raised in the present petition before the NCLT. Hence, the petition stands ***disposed***.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

GJM
List No.: 1 Sl No.: 27