



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.4843 OF 2022 (CS-RES)

BETWEEN:

1. H.M.T. EMPLOYEES HOUSE BUILDING
CO OPERATIVE SOCIETY LTD.
H.M.T POST C.S.T BUILDING
1ST FLOOR, JALAHALLI
BENGALURU - 560 013
REPRESENTED BY ITS SECRETARY.

...PETITIONER

(BY SRI. RAMACHANDRA N., ADVOCATE)

AND:

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
BENGALURU REGION
NO.146, 3 RD FLOOR ,
3RD MAIN ROAD
8TH CROSS, MARGOSA ROAD,
MALLESHWARAM,
BENGALURU - 560 003.
2. G.K. KODANDARAMA REDDY
S/O LATE KRISHNA REDDY
R/AT NO.293, SUDARSHAN LAYOUT
NEAR R K FLOUR MILL
GAREBHAVIPALYA HOSUR ROAD
BENGALURU - 560 068.

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



...RESPONDENTS

(BY SRI. K. KENCHEGOWDA, AGA FOR R1;
SMT. HEMALATHA M.K., ADVOCATE FOR
SRI. H.M. MURALIDHAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 13.09.2019 IN DISPUTE DATED 13.09.2019, PASSED BY THE RESPONDENT NO.1 VIDE ANNEXURE-E, AND ALSO QUASH THE ORDER DATED 10.03.2021 PASSED IN APPEAL NO.192/2019 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL VIDE ANNEXURE-G.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In the present writ petition, the petitioner is assailing the order dated 13.09.2019 (Annexure-E) passed by respondent No.1 inter-alia, seeks to quash the order dated 10.03.2021 in Appeal No.192 of 2019 (Annexure-G) passed by the Karnataka Appellate Tribunal.



2. The relevant facts for the adjudication of the case, as averred in the writ petition, are that respondent No.2 filed a dispute before the competent authority seeking refund of the initial deposit made by him to the extent of Rs.2,00,000/-, along with interest. The said dispute came to be allowed by the competent authority by order dated 13.09.2019 (Annexure-E). Feeling aggrieved by the same, the petitioner herein filed Appeal No.192 of 2019 before the Karnataka Appellate Tribunal, wherein the Tribunal, by its order dated 10.03.2021 (Annexure-G), reduced the interest to 12% from 17.11.2006 till the date of realization.

3. Sri. Ramachandran N., learned counsel appearing for the petitioner, contended that both the authorities have failed to consider the aspect of awarding interest only after the layout has been formed by the respondent-Society. It is further contended that the respondent had paid only a partial amount of Rs.2,00,000/- out of the total cost of Rs.5,58,000/-, and



therefore, the respondent No.2 ought to have waited until the allotment was made in his favour. Accordingly, he sought for interference with the impugned orders.

4. Per contra, learned counsel appearing for the respondents, sought to justify the impugned orders.

5. In light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that respondent No.2 had made an application to the petitioner-Society seeking allotment of sites, which is produced at Annexure-A. The respondent No.2 had paid Rs.2,00,000/- as an advance for allotment of a site measuring 30 x 40, and the total cost of the site to be allotted was Rs.5,58,000/- (Annexure-B).

6. In the meanwhile, respondent No.2 raised a dispute under Section 70 of the Karnataka Co-operative Societies Act, 1959, seeking withdrawal of the principal amount of Rs.2,00,000/- along with interest. The competent authority, by order dated 30.09.2019



(Annexure–E), directed the society to return the principal amount of Rs.2,00,000/- with interest at 18% within three months from the date of the order.

7. Feeling aggrieved by the same, the petitioner-Society filed Appeal No.192 of 2019 before the Tribunal. Upon consideration, the Tribunal, in paragraph 9 of its order, observed that the petitioner-Society had not placed any material before the Court as to the number of sites available for disposal and, therefore, declined to interfere with the direction to return the principal amount of Rs.2,00,000/-. However, the Tribunal reduced the rate of interest to 12%.

8. In that view of the matter, as the finding recorded by the Tribunal at paragraph 9 is based on the material available on record, and despite the petitioner having produced documents regarding sanction for release of sites by the Nelamangala Planning Authority, as per the synopsis filed by the petitioner on 10.02.2023, it is evident



that the sum of Rs.2,00,000/- deposited by respondent No.2 has remained with the petitioner-Society since 2006.

9. In that view of the matter, I am of the opinion that no interference is called for in the present writ petition. Accordingly, the writ petition stands ***dismissed***.

**SD/-
(E.S.INDIRESH)
JUDGE**

SB
List No.: 1 Sl No.: 56