



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

RERA APPEAL NO.60 OF 2025

BETWEEN:

M/S FELICITY ADOBE LLP,
(FORMERLY TUMAKUR NIVAS LLP),
NO.B-0710, 7TH FLOOR,
EAST TOWER, SIGNATURE TOWERS,
BRIGADE GOLDEN TRINAGLE,
SY NO.50, HUSKUR VILLAGE,
BIDARAHALLI, BENGALURU-560 049
INCORPORATED UNDER THE
PROVISIONS OF LLP ACT, 2008.
(REPRESENTED BY ITS PARTNER)

...APPELLANT

(BY SRI ABHINAY S., ADVOCATE)

AND:

1. KARNATAKA REAL ESTATE
REGULATORY AUTHORITY,
BENGALURU,
REP. BY ITS SECRETARY,
#1/14, GROUND FLOOR,
SILVER JUBILEE BLOCK,
CSI COMPOUND, 3RD CROSS,
MISSION ROAD, BENGALURU-560 027.
2. SRI HANUMANTHARAJU,
S/O NANJAPPA,
AGED ABOUT 47 YEARS,
3. SMT.KAMAKSHAMMA,
W/O SRI HANAMANTHARAJU,
AGED ABOUT 40 YEARS,
R2 & R3 ARE R/AT
SONNEHAHALLI VILLAGE,

Digitally
signed by K G
RENUKAMBA
Location:
HIGH COURT
OF
KARNATAKA



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HOLAVANAHALLI POST,
KORATAGERE TALUK,
TUMAKURU DISTRICT-572 129

...RESPONDENTS

(BY SRI RAJASHEKHAR.K., ADVOCATE FOR R1;
SRI P.D.SUBRAHMANYA, ADVOCATE FOR R2 & R3)

THIS RERA APPEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 READ WITH SECTION 100 OF CPC PRAYING TO SET ASIDE THE IMPUGNED ORDER / JUDGMENT DATED 21.03.2025 PASSED IN FR NO.(K-REAT) 137/2024 BY THE APPELLATE TRIBUNAL, DISMISSING THE APPEAL FOR NON-COMPLIANCE OF OFFICE OBJECTIONS/NON DEPOSIT OF TOTAL AMOUNT OF RS.19,91,460/- ALONG WITH INTEREST CALCULATED AT 2% FROM 16.03.2020 TILL 08.09.2024 WITHIN 60 DAYS WITH FUTURE INTEREST UNTIL PAID TO THE RESPONDENT NOS.2 & 3 /COMPLAINANTS RESPECTIVELY.

THIS RERA APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

This appeal arises out of the impugned judgment and order dated 21.03.2025 in F.R.No.(K-REAT) 137/2024 passed by the Appellate Tribunal dismissing the appeal for non-compliance of office objection/non-deposit of total amount of Rs.19,91,460/- along with interest calculated at 2% from 16.03.2020 till 08.09.2024 within sixty days with future interest.



2. By the impugned judgment and order, the Appellate Tribunal has observed that the appeal is of the year 2024 and as per the provisions of Section 44(5) of the RERA Act¹ endeavour has to be made to dispose of the appeals within a period of sixty days. On three consecutive hearing dates, there was no representation on behalf of the appellant. When the matter was called on 21.03.2025, the learned Counsel for the appellant remained absent. The matter was passed over and was again called at 12.15 p.m. But there was no representation on behalf of the appellant. Noting the inaction on the part of the appellant/promoter, the appeal was dismissed for non-compliance of office objection.

3. The challenge before the Appellate Tribunal was the order of the Karnataka Real Estate Regulatory Authority of 20.09.2024 in Complaint No.00924/2023 passed by the Member, K.RERA, Bench 6. The respondent therein was directed by K.RERA to pay the amount of Rs.19,91,460/- towards refund with interest calculated at MCLR + 2% from 16.03.2020 till 08.09.2024 to the complainants within 60 days from the date of the order. The interest due from 09.09.2024,

¹ The Real Estate (Regulation And Development) Act, 2016



up to the date of final payment was to be calculated likewise and paid to the complainants.

4. The learned Counsel for the appellant by a memo submitted today in Court, photocopies of two bank drafts amounting to Rs.19,91,460/- and Rs.2,16,331/- in favour of the Registrar, Karnataka Real Estate Appellate Tribunal, Bengaluru drawn on Canara Bank dated, respectively, 07.02.2026 and 09.02.2026. The originals of the bank drafts have been produced for our perusal. The only submission of learned Counsel for the appellant is that the Appellate Tribunal may accept the bank drafts and the appeal be heard by the Tribunal on merits.

5. Having considered the submission of learned Counsel for the appellant, in the facts and circumstances of the case, we remit the matter back to the Appellate Tribunal. The appellant/his Counsel shall duly submit the aforesaid original bank drafts (which have been returned to the Counsel for the appellant) before the Appellate Tribunal. If the amount of the bank drafts are in compliance with the *proviso* to sub-section (5) of Section 43 of the RERA Act, the same shall be accepted and the appeal be heard on its merit. If there is



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any shortfall in the amount required to be paid under the aforesaid provision, the same shall be intimated to the appellant within a week of presentation of the bank drafts and that shortfall shall be made good by the appellant within two working days thereafter. On the deposit being made, we would request the Appellate Tribunal to consider the appeal on its merit. In this view of the matter, the order of the Appellate Tribunal dated 21.03.2025 is set aside.

6. The learned Counsel for respondent Nos.2 and 3 states that the appellant should be directed not to seek any adjournment to delay the hearing of the appeal.

7. In view of the submission made, we direct that the appellant shall not seek any unnecessary adjournment before the Appellate Tribunal. Subject to the aforesaid observations, this appeal stands disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE