HC-KAR

NC: 2026:KHC:17015-DB
RERA.A No. 83 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

RERA APPEAL NO.83 OF 2025

BETWEEN:

BHARTIYA URBAN PRIVATE LIMITED
A COMPANY EXISTING UNDER
THE PROVISIONS OF THE
COMPANIES ACT, 2013,
HAVING REGISTERED OFFICE
AT 56/7, NALLAMBAKKAM VILLAGE (VIA VANDALUR)
CHENNAI- 600 048.
HAVING ITS ADMINISTRATIVE OFFICE
AT BHARATIYA CITY, THANNISANDRA MAIN ROAD
BENGALURU – 560 064.
REP. BY ITS AUTHORIZED SIGNATORY
MR. DINKAR HERIKUDRU
VICE PRESIDENT LEGAL

...APPELLANT

(BY SRI ARJUN RAO.S, ADVOCATE)

Digitally signed by KAVYA G
Location: High Court of Karnataka

AND:

1. MR.ANEESH ATTOOR
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3. KARNATAKA REAL ESTATE
REGULATORY AUTHORITY
NO.1/14, GROUND FLOOR
SILVER JUBILEE BLOCK, UNITY BUILDING
CSI COMPOUND, 3RD CROSS
MISSION ROAD, BENGALURU- 560 027
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY MS.AKANSHKA CHOUDHARY, ADVOCATE FOR
SRI AHAAN MOHAN, ADVOCATE FOR R1 & R2;
SRI K.V.GIRISH, ADVOCATE FOR R3 [ABSENT])

THIS RERA.APPEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO (1) SET ASIDE THE JUDGMENT DATED 14.08.2025 PASSED IN APPEAL (K-REAT) NO.5/2025 FILED BY RESPONDENT NOS.1 AND 2 BEFORE THE LEARNED KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU (ANNEXURE - A) ETC.

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 RAJESH RAI K

ORAL JUDGMENT

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

Heard learned Counsel for the appellant and Ms.Akanksha Choudhary, learned Counsel appearing for respondent Nos.1 and 2. Despite the name of Sri K.V.Girish, being reflected in the cause list as learned Counsel for respondent No.3, there is no representation.

2. This appeal is filed seeking the following reliefs:

(a) Set aside the judgment dated 14.08.2025 passed in Appeal No.(K-REAT) 05/2025 filed by Respondent Nos.1 and 2, before the Ld. Karnataka Real Estate Appellate Tribunal, Bengaluru (Annexure A);

(b) Issue a direction calling for the records of the Appeal No. (K-REAT) 05/2025 before the Ld. Karnataka Real Estate Appellate Tribunal, Bengaluru.

(c) Direct the Respondents to pay the costs this Appeal.

(d) Pass any such order that this Hon'ble Court may deem fit, in the interest of justice and equity.

3. A memo has been filed today by learned Counsel for the appellant, copy of which is served on learned Counsel for the respondents, in which it is stated that the entire amount as directed by this Court in the order of 05.03.2026 has been deposited before the Recovery Authority.

4. Learned Counsel for the parties state that since the matter can be decided on the short question being urged by learned Counsel for the appellant, without going into the merits

of the case and without calling for affidavits, the case be heard and disposed of at this stage itself. Therefore, we proceed to hear the appeal.

5. The contention of learned Counsel for the appellant is that the impugned judgment passed by the Tribunal[1] on 14.08.2025 was passed ex-parte without granting an opportunity to the appellant to be heard or represented in the case. It is stated that there was no prior notice given to the appellant. For the first time the appellant came to know of the impugned judgment of the Tribunal dated 14.08.2025 was when an e-mail was sent on 01.12.2025 informing the appellant that execution petition was filed against the appellant.

6. Annexure G to this appeal is an email of 01.12.2025 sent from the e-mail address of the Chairman of the Tribunal <krera-chairman@karnataka.gov.in>. A perusal of the email reflects that the order dated 14.08.2025 was passed setting aside the order dated 30.11.2024 passed by the Karnataka Real Estate Regulatory Authority in Complaint No.00292/2024,

[1]Karnataka Real Estate Appellate Tribunal, Bengaluru

ordering the promoter to refund the cancellation charges of Rs.50,000/- deducted by the promoter and paid to the complainant.

7. Learned Counsel for the appellant refers to the provision of Clause (4) of Regulation 9 of the Karnataka Real Estate Appellate Tribunal Regulations 2020 in which the Court Officer of the Tribunal is required to record in the order sheet, the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice, if un-served, steps taken for issuing fresh notice and date of completion of service.

8. Learned Counsel for the appellant has referred to the certified copy of the order sheet of the Tribunal in Appeal No. (K-REAT) 05/2025, to demonstrate that no such note has been made by the concerned Court Officer of the Tribunal. He has referred to the office note appearing at page 14 of the statement of objections filed to the delay condonation application to contend that in respect of respondent No.1, which is the appellant herein, only a bald statement has been made, that notice issued to the appellant has been served.

Whereas with regard to respondent No.2, RERA, the note of the office is that the postal tracking acknowledgment kept in the 'B' file.

9. Learned Counsel for the respondents has not denied the aforesaid office note. It is admitted that the postal tracking acknowledgment with regard to respondent No.1 in the appeal before the Tribunal who is the appellant herein has not been referred to in the office note.

10. Learned Counsel for the appellant therefore states that the order placing the appellant ex-parte is erroneous. It is urged that without ensuring compliance of Regulation 9(4) of the aforesaid Regulations 2020, no such order placing the appellant ex-parte could have been passed.

11. As noted above, despite service of notice on respondent No.3, there is no representation. Under the circumstances, the impugned order dated 14.08.2025 is set aside. The matter is remanded to the Tribunal for decision afresh, after affording opportunity of hearing to the appellant. It is made clear that the parties present before this Court shall appear before the Tribunal on 16.04.2026 and in case the

Tribunal is vacant or not available, they will appear on the next working day. The Tribunal is requested to proceed with the matter thereafter. It is clarified that the appellant shall not seek any unnecessary adjournments before the Tribunal.

12. Subject to the aforesaid observation, this appeal is disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

KSR
List No.: 1 Sl No.: 4