CGHC010348132026 2026:CGHC:43555

RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5034 of 2026

1 - Gayatri Nayak W/o Deepak Swain Aged About 39 Years R/o Indraprasth A-704 Samrajya Residency Beside Paradise Hotel Bilaspur Road Khamtarai Raipur District Raipur C. G.

... Petitioner(s)

versus

1 - Aasharshila Developers Pvt Ltd. Through Its Partner Mr Ashok Patel S/o Devshi Bhai Patel Age About 52 Years Having Registered Office At Samrajya Residence Business Plaza, Second Floor Next Paradise Hotel Bilaspur Road Khamtarai Raipur District Raipur C.G.

2 - Chhattisgarh Real Estate Regulatory Authority (Cg-Rera) Through Its Secretary, Shastri Chowk Raipur District Raipur C. G.

3 - Nagar Nigam Mukhalay Through Its Commissioner, Near Gandhi Udyan And Mahila Police Thana, Chhotapara Raipur District Raipur Chhattisgarh

4 - State Of Chhattisgarh Through The Secretary, Department Of Housing And Environment, Mantralaya Mahanadi Bhawan Atal Nagar Nava Raipur District Raipur Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Mr. Himanshu Pandey, Advocate.
For Respondent(s)/State	:	Mr. Anand Dadariya, Dy. A.G.
For Respondent No. 2	:	Mr. Pranjal Agrawal, Advocate.

For Respondent No. 3	:	Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

08/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1. Issue a Writ, Order, or Direction in the nature of CERTIORARI, quashing and setting aside the impugned order dated 02.07.2026 passed by Respondent No. 2 (RERA Authority) to the extent it illegally directs the Petitioner to pay maintenance charges and GST prior to the issuance of a valid Occupancy/Completion Certificate 04.01.2024;

10.2. Issue a Writ, Order, or Direction in the nature of MANDAMUS, holding and declaring that any possession offered or handed over prior to the issuance of the statutory Occupancy/Completion Certificate on 04.01.2024 is null, void, and illegal in terms of Section 11(4)(b) and Section 19(10) of the RERA Act, 2016, and cannot form the basis for levying maintenance charges,

10.3. Issue a Writ, Order, or Direction in the nature of MANDAMUS, directing Respondent No. 1 to forthwith hand over complete physical possession, control, and management of all common areas, facilities, amenities, sanctioned plans, and title records to the registered Association of Allottees (Samrajya Residency Residential Co-operative Society) in accordance with Section 17(1) and Section 17(2) of the RERA Act, 2016;

10.4. Issue a Writ, Order, or Direction in the nature of MANDAMUS, directing Respondent No. 2 to initiate penal proceedings against Respondent No. 1 under Section 63 of the RERA Act, 2016 for continuous non-compliance with statutory duties and orders. passed by the Authority;

10.5. Issue a Writ, Order, or Direction in the nature of MANDAMUS, directing Respondent No. 2 to appoint judicial officer as per Section-71 of RERA for adjudging compensation for violation of Section-18 (3) of RERA Act penal proceedings against Respondent No. 1 for continuous non-compliance with statutory duties and orders passed by the Authority;

10.6. Or in alternative Reserve the statutory right of the Petitioner and the Association of Allottees to approach the Adjudicating Officer under Section 71 read with Section

18(3) of the RERA Act, 2016 for claiming full compensation for delay, defects, and harassment;

10.7. Grant costs of the petition in favour of the Petitioner, and

10.8. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience."

2. Learned counsel for the petitioner submits that, since the RERA Appellate Authority was not functioning properly, the petitioner has approached this Court despite having an alternative remedy before the RERA Appellate Authority.

3. Learned counsel appearing for respondent No.2/RERA submits that the Appellate Authority is functioning and entertaining matters. He further submits that interim applications are also being heard by the Appellate Authority. Therefore, the petitioner ought to have approached the RERA Appellate Authority against the order passed by the RERA.

4. Learned counsel appearing for respondent No.3 also submits that the RERA Appellate Authority is functioning and is entertaining applications for stay and passing appropriate orders in appropriate cases.

5. Learned State counsel also submits to the same effect.

6. At this stage, learned counsel appearing for the petitioner seeks permission of this Court to withdraw the present petition with liberty to file a duly constituted appeal before the concerned RERA Appellate Authority along with an appropriate interim application.

7. In the event that the petitioner files an appeal before the RERA Appellate Authority, the said Authority shall consider the appeal and, in particular, the interim application, in accordance with law and shall make an endeavour to decide the same as expeditiously as possible.

8. Accordingly, the instant petition is **dismissed as withdrawn** with liberty as prayed for.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat