HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT PETITION NO. 17125 OF 2025 (GM-CON)

BETWEEN:

1. THE PRESIDENT
   BANGALORE CITY CO OPERATIVE
   HOUSING SOCIETY LTD
   NO 2, SEETHAPATHI AGRAHARA
   BENGALURU - 560 002.

2. THE SECRETARY
   BANGALORE CITY CO OPERATIVE
   HOUSING SOCIETY LTD
   NO 2 , SEETHAPATHI AGRAHARA
   BANGALORE - 560 002.

   PETITIONER NO.2 REPRESENTED BY
   CHIEF EXECUTIVE OFFICER
   BANGALORE CITY CO OPERATIVE
   HOUSING SOCIETY LTD
   NO 2, SEETHAPATHI AGRAHARA
   BANGALORE - 560 002
   MOB 7259356730
   EMAIL: BCCH1927@GMAIL.COM

…PETITIONERS

(BY SRI. M. B. CHANDRA CHOODA., ADVOCATE)

AND:

SMT. CHANCHAL BAI
W/O GOUTHAM CHAND
AGED ABOUT 65 YEARS

Digitally signed by REKHA R
Location: High Court of Karnataka

PRESENTLY R/AT NO 225/2
THIMMAIAH ROAD
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. VAIJAYANTHIMALA B., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 02/06/2025 PASSED IN CASE NO.EA/77/2024 ON THE FILE OF THE KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION VIDE ANNEXURE-K AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ petition has been filed impugning the order dated 02.06.2025 passed by the Karnataka State Consumer Disputes Redressal Commission, Basava Bhavan, Bengaluru in Case No.EA/77/2024 as well as the order dated 21.02.2025 passed by the Karnataka State Consumer Disputes Redressal Commission, Basava Bhavan, Sri Basaveswara Circle, High grounds, Bangalore-560001, whereby the review petition filed against the

order dated 02.06.2025 in Case No.EA.77/2024 came to be dismissed.

2. Section 21 of the Consumer Protection Act, 1986 as well as Section 51 of the Consumer Protection Act, 2019, has specifically provided the remedy of an appeal before the National Consumer Disputes Commission against an order passed by the State Consumer Disputes Special Commission on a complaint filed before the State Commission, or in the execution of a Petition filed by the State Commission seeking the execution of the order passed in a complaint by the State Commission exercising the original jurisdiction.

3. The learned counsel for the petitioner has placed reliance on the judgment in the case of ***KARNATAKA HOUSING BOARD Vs. K.A.NAGAMANI*** reported in **2019(6) SCC 424**, to submit against an order passed in execution petition by the State Commission in exercise of its original jurisdiction, there is no remedy provided to the petitioner. However, on close look of the

aforesaid judgment in Karnataka Housing Board Supra, the said submission is absolutely incorrect. The question before the Supreme Court was maintainability of revision petition against an order passed by the State Commission in Execution Appeal and not in exercise of its original jurisdiction in Execution Application. In view thereof, in paragraph 7.8, while considering the provisions of Section 21 of the Consumer Protection Act, 1986, the Supreme Court has held that no revision petition would be maintainable against the order passed in an Execution Appeal by the State Commission in Paragraph Nos.7.8, 7.9 and 8 as well as paragraph 2.1 and 2.2 which sets out the controversy in brief in the said judgment as well as the findings and the legal exposition. The exposition of law in respect of the maintainability of the revision petition against an order passed in an Execution Appeal is given in Paragraph 7.8 to Paragraph 8 which are extracted here:

> ***"7.8.*** *There is no remedy provided under Section 21 to file a revision petition against an order passed in appeal by the State Commission in execution proceedings. Section 21(b) does not*

provide for filing of a revision petition before the National Commission against an order passed by the State Commission in execution proceedings.

7.9. *In the present case, the National Commission committed a jurisdictional error by entertaining the revision petition under Section 21(b) filed by the appellant Board against an appeal filed before the State Commission, in execution proceedings.*

8. *The National Commission erroneously allowed the revision petition under Section 21(b) which was not maintainable. Furthermore, the National Commission modified the decree passed by this Court vide order dated 19-9-2012 [K.A. Nagamani v. Karnataka Housing Board, (2015) 16 SCC 587 : (2016) 3 SCC (Civ) 692] wherein this Court had directed the Board to pay interest @ 18% p.a. on the principal amount of Rs 2,67,750 (which included an amount of Rs 3937 which had been initially deducted by the Board). The National Commission has awarded interest on the amount of Rs 3937 twice, by first including it in the principal amount of Rs 2,67,750; and thereafter awarding interest @ 18% on the same amount of Rs 3937, which would amount to a double payment."*

4. Therefore, we hold that the petitioner has a statutory remedy of appeal against the impugned order before the NCDRC and instead of availing the statutory remedy of appeal, the petitioner has approached this Court in the present writ petition.

5. We therefore, do not want to entertain this writ petition as there is effective alternate remedy of appeal being provided to the petitioner. Thus, we ***dismiss*** this Writ Petition on the ground of availability of a truly efficacious alternate statutory remedy to the petitioner.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 9