HC-KAR

NC: 2026:KHC:65476-DB
WA No. 2202 of 2026

CNR: KAHC010661972026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 2202 OF 2026 (LB-BMP)

BETWEEN:

1. GREATER BENGALURU AUTHORITY
   REP BY ITS CHIEF COMMISSIONER
   N R SQUARE
   BENGALURU-560001

2. BENGALURU CENTRAL CITY CORPORATION
   REP BY ITS JOINT DIRECTOR
   GREATER BENGALURU AUTHORITY
   ANNEX-3 BUILDING
   NR SQUARE
   BENGALURU-560002

3. JOINT DIRECTOR OF TOWN PLANNING
   TOWN COUNTRY PLANNING,
   BENGALURU CENTRAL CITY CORPORATION
   GREAT BENGALURU AUTHORITY
   N R SQUARE
   BENGALRU-560002

...APPELLANTS

(BY SRI. MONESH KUMAR K B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   DEPARTMENT OF URBAN DEVELOPMENT
   REP BY ITS UNDER SECRETARY
   VIKAS SOUDHA

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

BENGALURU-560001

2. M/S AISHWARYA HEIGHTS INFRA PVT LTD.,
R CHANDRU
S/O LATE RAMAPPA
AGED 63 YEARS
OFFICE AT NO.27, K G ROAD
GANDHINAGAR
BENGALURU-560009
REP BY ITS MANAGING DIRECTOR

…RESPONDENTS

(BY SRI. S.H.RAGHAVENDRA, AGA FOR R1;
SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. K VIJAYA KUMAR., ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR LOWER COURT RECORDS AND SET ASIDE THE INTERIM ORDER PASSED BY THE LERANED SINGLE JUDGE IN WP No. 14758/2026 (LB-BMP) BEING THE JUDGMENT DATED 13.08.2026, AND BE FURTHER PLEASED TO DISMISS THE WRIT PETITION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

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

The present intra Court appeal has been filed impugning the interim order dated 13.08.2026 passed by the writ Court in W.P.No.14758/2026 filed by the respondent No.2 herein.

2. The respondent No.2 herein had filed the writ petition seeking the following prayers :-

> *"**Wherefore**, the Petitioner humbly prays that this Hon'ble Court be pleased to:*
>
> *a) Issue a Write of Certiorari or any other appropriate writ, order or direction, quashing the impugned Demand Notice dated 07.03.2026 bearing No.JDTP/LP/04/2008-09 issued by Respondent No.4 and the compunding fine calculation sheet dated 13.03.2026 bearing No.JDTP/LP/04/2008-09 (**Annexure-A-A1**); and/or*
>
> *b) Issue a Writ of Mandamus directing the Respondent Authorities to issue the Occupancy Certificate in respect of the Petitioner's building; and/or*
>
> *c) Issue a Writ of Mandamus directing the Respondent Authorities to consider the Petitioner;s Representation dated 25.02.2026 (**Annexure-T**); and/or*
>
> *d) Grant such other consequential reliefs as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case."*

3. The learned Single Judge having considered the *prima facie* case has passed the following interim order :-

"ORDER

The applications in IA Nos.1 and 2 of 2026 are disposed of reiterating the direction to the authorities to issue Occupancy Certificate as directed in the order dated 05.06.2026 subject to the following.

[a] *The petitioner, in addition to the amount paid in terms of the demand towards Difference in FAR and Terrace Areas, shall deposit 25% of the demand towards Ground Rent along with proportionate GST within a period of four [4] weeks from today.*

[b] *75% of the demand for the Ground Rent and the corresponding GST is stayed, and the stay on the demand for Licence Fee/Construction without obtaining Commencement Certificate/ Commencement Certificate Fee and Scrutiny Fee will continue. The stay of these demands is subject to this Court's observation on the petitioner succeeding or failing in this petition.*

[c] *The deposit of 25% of the demand towards Ground Rent as aforesaid shall be subject to further orders on the petitioner being entitled to set off/refund if the petitioner succeeds and without prejudice to the petitioner's liability to pay the entire amount along with interest if the petitioner fails.*

[d] *The authorities shall issue the Occupancy Certificate within four weeks [subject to deposit as afore] upon deposit as aforesaid and in terms of the recommendations but subject to examining only further relevant factors.*

The office is directed to re-list this petition on ***14.10.2026."***

4. We further direct respondent No.2 not to alienate or create a third party interest or rights in respect of the property in question for which it is seeking occupancy certificate. The respondent No.2 shall further undertake that in the event of the matter being decided against it, it will pay the balance ground rent as demanded by the Greater Bengaluru Authority along with interest at the rate of 10% p.a. from the date of demand till the date of payment.

5. We request the learned Single Judge to dispose of the writ petition expeditiously and the parties should not seek adjournment on the date fixed by the learned Single Judge.

6. With the above observation, the writ appeal stands ***disposed*** of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

NG
CT:SN
List No.: 1 Sl No.: 3