IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

REVIEW PETITION No.3 of 2026
in
WRIT APPEAL No.67 of 2026

DATE: 07.07.2026

Between:

Sri Kailas Srinivas and 3 others

.... Review petitioners

And

The State of Telangana, Represented by
Principal Secretary, Municipal Administration
And Urban Development and 3 others

.... Respondents

ORDER

Heard Mrs.K.V.L.Priyadarshini, learned counsel representing Mr.P.V.G.Umesh Chandra, learned counsel for the review petitioners/appellants; Ms. V.Jayasree, learned Assistant Government Pleader for Municipal Administration and Urban Development Department appearing for respondent No.1; Mr. V.Siddhartha Goud, learned counsel representing Mr. V.Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA) appearing for respondent Nos.2 to 4 and perused the record.

2. This Review Petition is filed under Section 114 of the Code of Civil Procedure, 1908, read with Order XLVII Rule 1 thereof, seeking review of the judgment dated 16.03.2026 passed by this Court in W.A.No.67 of 2026. By the said judgment, this Court dismissed the writ appeal preferred by the review petitioners, thereby affirming the order dated 01.12.2025 passed by the learned Single Judge in W.P.No.20411 of 2025.

3. The review petitioners are the owners of Plot Nos.15 and 16 in Sy.Nos.347/A and 358/A, situated at Tumkunta Village, Shameerpet Mandal, Medchal-Malkajgiri District. They applied to the Hyderabad Metropolitan Development Authority (HMDA) for building permission to construct a commercial building (Stilt + 4 Floors). The dispute arose when HMDA insisted upon execution of a registered mortgage deed in respect of 10% of the built-up area as a precondition for grant of building permission, whereas the review petitioners contended that submission of a notarized affidavit under Rule 25(d) of G.O.Ms.No.168, dated 07.04.2012, was sufficient.

4. Aggrieved thereby, the review petitioners filed W.P.No.20411 of 2025, which came to be dismissed by the learned Single Judge on 01.12.2025, holding that the provisions of the Telangana State Building Permission Approval and Self-Certification System Rules, 2020, issued under G.O.Ms.No.201, dated 16.11.2020, governed the issue and required execution of a registered mortgage deed. Challenging the said order, the review petitioners preferred W.A.No.67 of 2026. By judgment dated 16.03.2026, this Court dismissed the appeal, holding that the provisions of G.O.Ms.No.201, Municipal Administration & Urban Development (Plg.III) Department dated 16.11.2020, issued under the Telangana State Building Permission Approval and Self-Certification System Act, 2020 (for short 'TS-bPASS Act') would prevail over any inconsistent provisions contained in G.O.Ms.No.168 Municipal Administration & Urban Development (M) Department dated 07.04.2012.

5. Aggrieved by the said judgment dated 16.03.2026, the present review petition has been filed.

6. Learned counsel appearing for the review petitioners has advanced the following submissions:

i) That Rule 10(1) of G.O.Ms.No.201, dated 16.11.2020, is the triggering provision governing the applicability of the entire framework under Rule 10, including the requirement of execution of a registered mortgage deed under Rule 10(4). According to the review petitioners, Rule 10 applies only to applications submitted through the TS-bPASS portal. Since the review petitioners were directed by the respondent authorities to submit a fresh application through the "Build-Now" portal, Rule 10(4) has no application to their case.

ii) That G.O.Ms.No.168, dated 07.04.2012, containing the Andhra Pradesh Building Rules, 2012, was issued in exercise of powers conferred under the parent enactments, including the

Greater Hyderabad Municipal Corporation (GHMC) Act, the Hyderabad Metropolitan Development Authority (HMDA) Act and the Andhra Pradesh Urban Areas (Development) Act, and in supersession of the earlier building rules. It is submitted that G.O.Ms.No.168 has neither been repealed nor superseded and, on the contrary, has continued to be amended from time to time even after issuance of G.O.Ms.No.201. It is, therefore, argued that G.O.Ms.No.168 continues to constitute the governing substantive code regulating building permissions.

iii) That the TS-bPASS Act is merely a procedural enactment intended to regulate timelines, accountability and grant of building permissions through an online mechanism. According to the review petitioners/appellants, the Act does not prescribe substantive building regulations such as setbacks, height restrictions or mortgage requirements and, therefore, cannot override the substantive provisions contained in G.O.Ms.No.168.

iv) That neither the TS-bPASS Act nor any provision contained therein authorises the imposition of a compulsory registered mortgage deed as a condition precedent for grant of building permission. Consequently, Rule 10(4) of G.O.Ms.No.201, insofar as it introduces such a requirement, is stated to be beyond the scope of the delegated legislative power conferred under the parent enactment and is, therefore, *ultra vires* and *void ab initio*.

v) That the requirement of executing a registered mortgage deed is contrary to the provisions of the Transfer of Property Act, 1882. It is submitted that a mortgage within the meaning of Section 58 of the said Act necessarily postulates the existence of a debt or pecuniary obligation, which is admittedly absent in the present case. Compelling the creation of a mortgage in the absence of any underlying debt is contrary to law and amounts to deprivation of property without authority of law, thereby violating Article 300-A of the Constitution of India.

vi) That Section 24 of the TS-bPASS Act has been erroneously interpreted in the judgment under review. According to the review petitioners, Section 24 of the TS-bPASS Act is merely an overriding or conflict-resolution provision and does not itself confer any substantive power to impose additional conditions for grant of building permission. It is submitted that this Court has erred in construing Section 24 of the TS-bPASS Act as validating every condition incorporated under G.O.Ms.No.201.

vii) That the judgment under review suffers from errors of law apparent on the face of the record, particularly with regard to the interpretation of Section 24 of the TS-bPASS Act, the legal status and interplay between G.O.Ms.No.168 and

G.O.Ms.No.201, and the applicability of the latter to the facts of the present case.

7. A bare perusal of the grounds raised; the submissions made; and the written arguments filed along with the review petition reveal that the petitioners, under the guise of the present review petition, are seeking to re-argue the case on merits, which effectively render it an appeal in disguise. The review jurisdiction of this Court is limited and can be invoked only on the ground of: (i) discovery of new and important matter or evidence which, despite due diligence, was not within the knowledge of the applicant or could not be produced at the time of judgment, or (ii) on account of an error apparent on the face of the record, or (iii) for any other sufficient reason. It is equally well settled that the review jurisdiction cannot be invoked merely because another view is possible or to seek a rehearing on merits.

8. Keeping the aforesaid principles in view, this Court has carefully perused the grounds raised in review petition, the exhaustive written submissions, the material placed on record and the judgment sought to be reviewed. The review petitioners have urged several legal and factual contentions in support of the review petition. Having bestowed anxious consideration to each of the submissions advanced, this Court finds that the review petition essentially seeks a reappreciation of issues already considered and concluded by this Court which is an exercise entirely impermissible in review jurisdiction. However, since elaborate arguments are advanced with vehemence, we proceed to examine the same in detail hereafter, solely to satisfy the conscience of this Court. Nevertheless, since distinct contentions have been urged, each of them is examined and dealt with hereunder.

a) On the applicability of G.O.Ms.No.201 to the review petitioners' case

9. The principal contention of the review petitioners is that Rule 10(1) of G.O.Ms.No.201, dated 16.11.2020, applies only to applications submitted through the TS-bPASS portal and that since their application was submitted through the "Build-Now" portal, the requirement of execution of a registered mortgage deed under Rule 10(4) is inapplicable to their case. This contention does not merit acceptance.

10. It is not in dispute that the review petitioners had initially submitted their application through the TS-bPASS portal. Upon closure of the said portal, the respondent authorities, by communication dated 17.05.2025, directed them to submit a fresh application through the "Build-Now" portal, whereupon the review petitioners submitted their application on 21.05.2025. The modification of the online platform is a facilitating mechanism for administrative convenience and constitutes a mere procedural change for application processing. It cannot be construed as an amendment to, or deviation from the statutory regime governing grant of building permissions. The "Build-Now" portal only replaced the earlier TS-bPASS portal as the operational platform for implementation of the TS-bPASS Act and the Rules framed thereunder.

11. The direction issued by the respondent authorities to submit the application through the "Build-Now" portal was not intended to exempt the review petitioners from the applicability of the TS-bPASS Act or the Rules framed thereunder. On the contrary, it ensured that the application was processed under the prevailing statutory framework. Merely because the application was ultimately submitted through the "Build-Now" portal, it cannot be contended that the provisions of G.O.Ms.No.201 ceased to govern the application.

12. It is also pertinent to note that the property of the review petitioners is situated within the jurisdiction of HMDA, to which the provisions of the TS-bPASS Act and the Rules framed under G.O.Ms.No.201 are admittedly applicable. The portal through which the application is submitted is only the mode of processing the application and does not determine the applicability of the governing statutory provisions. The applicability of the Rules flows from the statute and not from the online portal through which the application is made.

13. Having availed the statutory mechanism provided under the TS-bPASS regime for processing their application, the review petitioners cannot seek to selectively exclude the conditions forming part of the same legislative scheme. The scheme of the Act and the

Rules has to be construed as a whole and cannot be applied in a piecemeal manner. This Court, therefore, finds no error apparent on the face of the record in the conclusion reached in the judgment under review that the provisions of G.O.Ms.No.201 were applicable to the application submitted by the review petitioners.

b) On the Status and Overriding Effect of G.O.Ms.No.168 *vis-à-vis* G.O.Ms.No.201

14. The principal contention of the review petitioners is that G.O.Ms.No.168, dated 07.04.2012, continues to constitute the governing substantive code regulating building permissions and that this Court erred in holding that the provisions of G.O.Ms.No.201, dated 16.11.2020, framed under the TS-bPASS Act, would prevail. According to the review petitioners, G.O.Ms.No.168 has neither been repealed nor superseded and, therefore, continues to operate in its entirety. This contention has been carefully considered.

15. There can be no quarrel with the proposition that G.O.Ms.No.168 comprises a comprehensive set of building rules issued under the relevant parent enactments and continues to govern matters not inconsistent with the subsequent statutory framework. However, the issue that arose for consideration before this Court was not whether G.O.Ms.No.168 stands repealed or rendered wholly inoperative, but whether, in respect of the requirement relating to mortgage of the built-up area, the provisions of G.O.Ms.No.201 framed under the TS-bPASS Act would prevail in the event of any inconsistency.

16. It is pertinent to note that Section 24 of the TS-bPASS Act confers overriding effect upon the provisions of the Act notwithstanding anything inconsistent contained in any other State law for the time being in force. Sub-section (2) further provides that the provisions of the Act shall supersede the relevant provisions of the GHMC Act and the HMDA Act relating to building permissions and enforcement. This Court interpreted the said provision to mean that to the extent of any inconsistency in matters relating to building permissions, the statutory scheme under the TS-bPASS Act and the Rules framed thereunder would prevail.

17. The contention of the review petitioners that Section 24 of the TS-bPASS Act merely supersedes the provisions of the GHMC Act and the HMDA Act and does not affect G.O.Ms.No.168 cannot be accepted. G.O.Ms.No.168 undoubtedly continues to operate in areas where no inconsistency arises. However, where a direct inconsistency exists between Rule 25(d) of G.O.Ms.No.168, which contemplates furnishing a notarized affidavit; and Rule 10(4) of G.O.Ms.No.201, which requires a mortgage of 10% of built up area by way of a registered deed, the later governing framework enacted under the TS-bPASS Act would prevail to the extent of such inconsistency. The judgment under review proceeds on this well-settled principle and does not hold that G.O.Ms.No.168 has been repealed in its entirety.

18. The submission founded on the principle of harmonious construction is also of no assistance to the review petitioners. Harmonious construction is possible only where two provisions are capable of operating without conflict. In the present case, Rule 25(d) of G.O.Ms.No.168 and Rule 10(4) of G.O.Ms.No.201 prescribe two different modes of securing compliance, giving rise to a direct inconsistency. In such a situation, this Court has rightly held that the later statutory framework under the TS-bPASS Act would prevail to the extent of the inconsistency. This Court, therefore, finds no error apparent on the face of the record in the interpretation placed upon Section 24 of the TS-bPASS Act or in its conclusion regarding the overriding effect of G.O.Ms.No.201 in respect of the requirement of execution of a registered mortgage deed.

c) On the Classification of the TS-bPASS Act as 'Procedural' and G.O.Ms.No.168 as 'Substantive'

19. The contention of the review petitioners that the TS-bPASS Act, 2020 is merely procedural, whereas G.O.Ms.No.168 constitutes the substantive law governing building permissions, also does not merit acceptance. The TS-bPASS Act, is a comprehensive enactment governing the grant of building permissions through a single-window mechanism. The Act not only prescribes the procedure for processing applications but also lays down the statutory framework regulating the grant of such permissions, including self-certification, timelines, accountability and the conditions subject to which building permissions may be granted. The rights and obligations flowing therefrom are, therefore, not merely procedural in nature.

20. It is true that G.O.Ms.No.168 contains the detailed building regulations relating to matters such as setbacks, height restrictions and other technical requirements. However, that by itself does not render the TS-bPASS Act a purely procedural enactment. The statutory framework under the TS-bPASS Act incorporates and regulates the applicable building rules and, wherever the later enactment or the Rules framed thereunder introduce a different requirement, such requirement would govern the field to the extent of the inconsistency, in view of Section 24 of the TS-bPASS Act thereof.

21. The requirement of execution of a registered mortgage deed under Rule 10(4) of G.O.Ms.No.201 forms part of the statutory scheme governing the grant of building permission under the TS-bPASS Act. The distinction sought to be drawn between "substantive" and "procedural" provisions does not dilute the applicability of the statutory conditions prescribed thereunder. Therefore, this Court finds no error apparent on the face of the record in the judgment under review that the provisions of the TS-bPASS Act and the Rules framed thereunder govern the grant of building permission in the present case.

d) On the contention that G.O.Ms.No.201 is *Ultra Vires* the Parent Act

22. The review petitioners have contended that Rule 10(4) of G.O.Ms.No.201 is *ultra vires* the provisions of the TS-bPASS Act, inasmuch as the parent enactment does not expressly authorise the imposition of a condition requiring execution of a registered mortgage deed as a precondition for grant of building permission. This contention also does not merit acceptance.

23. Section 28(1) of the TS-bPASS Act empowers the State Government to frame Rules for carrying out the purposes of the Act. The requirement under Rule 10(4) forms part of the regulatory framework governing the grant of building permissions under the self-certification regime introduced by the Act. The condition is intended to secure compliance with the statutory requirements governing building permissions and to safeguard public interest. The Rule thus bears a reasonable nexus to the object sought to be achieved by the TS-bPASS Act, namely, facilitating a transparent and time-bound system of grant of building permissions while ensuring compliance with the applicable statutory requirements. This Court, therefore, finds no basis to hold that Rule 10(4) travels beyond the rule-making power conferred under Section 28 of the Act.

24. The review petitioners have also contended that the requirement of execution of a registered mortgage deed is contrary to Section 58 of the Transfer of Property Act, 1882, as no debt or pecuniary liability exists between the applicant and the respondent authorities. This Court considered the nature of the requirement prescribed under Rule 10(4) and accepted it as a statutory condition attached to the grant of building permission. The mortgage contemplated under the Rule operates as a measure to secure compliance with the statutory conditions governing the permission granted; and is liable to be released upon issuance of the occupancy certificate in accordance with the Rules. Merely because the review petitioners seek to place a different interpretation of the provisions of the Transfer of Property Act, the subject condition of mortgage is not invalidated. Such an exercise in re-interpretation does not, by any stretch, make out an error apparent on the face of the record.

25. Equally untenable is the contention founded upon Article 300-A of the Constitution of India. The statutory mortgage requirement emanates from Rule 10(4) framed under the TS-bPASS Act and constitutes one of the statutory conditions governing the grant of building permission. The judgment under review proceeded on the basis of the existing statutory framework and found the condition to be applicable to the review petitioners. The contention that the same amounts to deprivation of property without authority of law was duly considered and does not furnish any ground for review. This Court, therefore, finds no error apparent on the face of the record on the validity or applicability of Rule 10(4) of G.O.Ms.No.201. The grounds urged by the review petitioners, in substance, seek a reconsideration of issues already adjudicated and do not warrant exercise of the review jurisdiction.

e) On the Interpretation of Section 24 of the TS-bPASS Act

26. The review petitioners further contended that this Court erroneously interpreted Section 24 of the TS-bPASS Act as conferring an independent source of power. This contention is misconceived. As already discussed above, while dealing with the overriding effect of G.O.Ms.No.168 *vis-à-vis* G.O.Ms.No.201, Section 28 is the source of the rule-making power, whereas Section 24 merely accords overriding effect to the provisions of the Act in the event of any inconsistency. The interpretation placed by this Court gives due effect to both sub-Sections (1) and (2) of Section 24 and does not disclose any error apparent on the face of the record warranting review.

f) On the Alleged Error Apparent on the Face of the Record

27. The review petitioners contend that the judgment under review suffers from an error apparent on the face of the record. This contention does not merit acceptance. A perusal of the judgment under review shows that this Court has considered the relevant statutory provisions, the rival submissions and the principles governing statutory interpretation before concluding that G.O.Ms.No.201 would prevail over the inconsistent provisions of G.O.Ms.No.168. Merely because the Review Petitioners seek a different interpretation or contend that another view is possible does not constitute an error apparent on the face of the record.

28. It is well settled that an error apparent must be self-evident and not one requiring elaborate arguments or reappreciation of issues already decided. In ***Delhi Administration v. Gurdeep Singh Uban***[1] it has held that the review petition, by no means, is an appeal in disguise and it cannot be entertained even if such application has been filed for clarification, modification or review of the order/judgment.

29. Further, in ***Sanjay Kumar Agarwal v. State Tax Officer***[2]**,** the Hon'ble Supreme Court has laid down the scope of review as under:

> i. *A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.*
>
> ii. *A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.*
>
> iii. *An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.*
>
> iv. *In exercise of the jurisdiction under Order 47 Rule 1CPC, it is not permissible for an erroneous decision to be "reheard and corrected".*
>
> v. *A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise".*
>
> vi. *Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.*
>
> vii. *An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*

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[1] AIR 2000 SC 3737

[2] (2024) 2 SCC 362

> viii. *Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review,"*

The judgment of which review is sought, does not fall in any of the aforesaid categories laid down by the Hon'ble Supreme Court.

30. The Hon'ble Supreme Court in ***Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi***[3]**,** has held as under:

> ***8.*** *It is well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so: Sajjan Singh v. State of Rajasthan [AIR 1965 SC 845 : (1965) 1 SCR 933, 948 : (1965) 1 SCJ 377] … In a civil proceeding, an application for review is entertained only on a ground mentioned in Order 47 Rule 1 of the Code of Civil Procedure, and in a criminal proceeding on the ground of an error apparent on the face of the record (Order 40 Rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility": Sow Chandra Kante v. Sheikh Habib [(1975) 1 SCC 674 : 1975 SCC (Tax) 200 : (1975) 3 SCR 933] .*
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> *(Emphasis supplied)*

Therefore, the view taken by this Court is a plausible view based on the statutory framework and no ground for review is made out.

Conclusion

31. For the foregoing reasons, this Court is of the considered view that the review petitioners have failed to establish the existence of any error apparent on the face of the record, discovery of any new

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[3] (1980) 2 SCC 167

and important matter or evidence, or any other sufficient reason warranting exercise of the review jurisdiction under Section 114 read with Order XLVII Rule 1 of the CPC. The contentions urged in the review petition seek a reappreciation of the issues which have already been considered and decided in the judgment dated 16.03.2026 passed in W.A.No.67 of 2026, which is impermissible in the exercise of review jurisdiction.

32. Accordingly, the Review Petition is dismissed.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN,J

Date: 07.07.2026
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