HC-KAR

NC: 2026:KHC:16430
WP No. 3583 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 3583 OF 2026 (GM-RES)

BETWEEN:

1. M/S UNISHIRE PROMOTERS PVT., LTD.,
A COMPANY REGISTERED UNDER
THE INDIAN COMPANIES ACT, 1956
AND HAVING ITS ADMINISTRATIVE OFFICE
AT NO.36, UNISHIRE SQUARE,
RAILWAY PARALLEL ROAD, NEHRU NAGAR,
BENGALURU - 560 020.

PRESENTLY AT NO.42, CASTLE STREET,
ASHOK NAGAR, BENGALURU - 560 025.
REP. BY ITS AUTHORISED SIGNATORY
SRI. PRATIK K. MEHTA.

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

2. MR. KIRTI MEHTA
S/O. KANTILAL MEHTA,
AGED ABOUT 69 YEARS

3. MR. PRATIK K. MEHTA
S/O. MR. KIRTI MEHTA
AGED ABOUT 43 YEARS

4. MR. VINAY K. MEHTA
S/O. MR. KIRTI K. MEHTA
AGED ABOUT 38 YEARS

NO.2 TO 4 RESIDING AT

NO. 36, RAILWAY PARALLEL ROAD,
NEHRU NAGAR, BANGALORE - 560 020,
CURRENT ADDRESS: NO.42,
CASTLE STREET, ASHOK NAGAR,
BANGALORE - 560 025.

…PETITIONERS

(BY SRI. G.S.VENKAT SUBBARAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOUSING,
GOVT., OF KARNATAKA,
ROOM NO.213, 2ND FLOOR,
VIKASA SOUDHA, BENGALURU - 560 001.

2. KARNATAKA REAL ESTATE
REGULATORY AUTHORITY,
NO.1/14, 2ND FLOOR,
SILVER JUBILEE BLOCK,
UNITY BUILDING, CSI COMPOUND,
3RD CROSS, MISSION ROAD,
BENGALURU - 560 027.

3. MR. VINU MAMMEN THOMAS,
S/O. MR. MAMMEN THOMAS,
AGED ABOUT 46 YEARS,
RESIDING AT NO.101,
BRIGADE HERITAGE, DAVIS ROAD,
RICHARDS TOWN, NEW HOLY GHOST CHURCH,
BANGALORE - 560 084.

…RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1;
SRI. K.V. GIRISH, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 15.01.2025 IN FR NO. (K-REAT) 161/2023, PASSED BY KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BANGALORE, ON IA NO.2/2024 FILED UNDER SEC. 151 OF CPC SEEKING DISPENSATION OF STATUTORY DEPOSIT VIDE ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed seeking the following reliefs:

a) Issue a writ in the nature of certiorari quashing the Impugned Order dated 15.01.2025 in FR No.(K-REAT) 161/2023, passed by Karnataka Real Estate Appellate Tribunal, Bangalore, on IA No.2/2024 filed under Sec.151 of CPC seeking dispensation of statutory deposit, vide Annexure –A.

b) Grant such other relief or reliefs or directions as this Hon'ble Court deems fit to grant under the circumstances of the case, including costs, in the interest of justice and equity.

2. Heard the learned counsel appearing for the petitioners, the learned AGA appearing for respondent

No.1, and the learned standing counsel appearing for respondent No.2. Perused the material on record.

3. The petitioner, a promoter, has called in question the order passed by the RERA Authority, notwithstanding the fact that an appeal has already been preferred before the RERA Appellate Tribunal in FR No.(K-REAT) 161/2023.

4. The impugned order passed by the RERA Authority is admittedly appealable. The records further disclose that the petitioner has already availed the statutory appellate remedy and the same is pending consideration. Having invoked the appellate jurisdiction, the petitioner cannot be permitted to simultaneously invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India seeking identical relief. Such parallel recourse is impermissible in law.

Accordingly, the writ petition stands ***dismissed***.

Liberty is, however, reserved to the petitioner to prosecute the pending appeal.

It is further clarified that this order shall not come in the way of the petitioner seeking appropriate relief before the Tribunal, including reconsideration of the requirement of deposit of the entire amount.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 3 Sl No.: 8