



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MR. JUSTICE D K SINGH
AND
THE HON'BLE MR. JUSTICE S RACHAIAH
WRIT PETITION NO. 7422 OF 2024 (GM-CON)

BETWEEN:

1. M/S CONFIDENT PROJECTS INDIA PVT LTD
NO 6, LANGFORD TOWN,
SHANTHI NAGAR,
BENGALURU – 560 025.
REPRESENTED BY
T.K. SUNDARAM

...PETITIONER

(BY SRI. UDAYA HOLLA, SR.ADVOCATE FOR
SRI. A MAHESH CHOWDHARY, ADVOCATE)

AND:

1. MR. AKHIL C
AGED ABOUT 35 YEARS,
S/O. MR. R CHANDRASHEKARAN
NO. E/3, 558 (937), AKIL NIVAS,
HAVANUR LAYOUT, NAGASANDRA POST
BENGALURU – 560 073.

...RESPONDENT

(BY SRI. CHANDRASHEKHARAN PILLAI R, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY DIRECTION TO QUASH THE IMPUGNED
ORDER PASSED BY HON'BLE NATIONAL CONSUMER DISPUTES
REDRESSAL COMMISSION, NEW DELHI IN REVISION PETITION
NO.88/2022 DATED 18/01/2024 VIDE ANNEXURE-A AS BEING





WITHOUT JURISDICTION, VOID, ILLEGAL, AND HENCE BAD IN LAW, 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 S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE DK SINGH)

The present writ petition has been filed impugning the order dated 18.01.2024 passed by the National Consumer Disputes Redressal Commission (hereinafter referred to as '**the National Commission**') in Revision Petition No.88/2022.

2. The petitioner is a Company incorporated under the provisions of the Companies Act, 1956 and it is in to Real Estate business.

3. On 28.06.2008 the respondent entered into an Agreement of Sale with the petitioner for purchase of one house site measuring 30 x 50 i.e., (total 1512.48 square feet). The respondent filed a consumer complaint



No.373/2019 on 14.02.2019 before the District Consumer Dispute Redressal Commission (hereinafter referred to as '**the District Commission**') Bengaluru, after 11 years from the date of the sale deed. The District Commission vide order dated 23.10.2019 allowed the Complaint No.373/2019 filed by the respondent granting the following reliefs:

"i. The Complaint is allowed in part with cost.

ii. Ops are jointly and severally hereby directed to pay a sum of Rs 5,000/- per month from the date of the sale deed till the date of filing of the complaint as compensation for not providing the water supply connection to each site, garden, water tank, borewell Borewells, swimming pool, walking tracks, sewage, STP, Children Park, Club as promised.

iii. Ops are hereby further directed to provide the above facilities within six months from this date, failing which to pay a sum of Rs 10,000/- per month as compensation till providing the said facilities from the date of complaint to the complainant.

iv. Further Ops are hereby directed to provide the correct dimension CD of site no. 157 sold in favour of the complainant within 30 days and in case the measurement is short of the one mentioned and sold in the sale deed, in favour of the complainant, Ops are directed to compensate him by paying Rs 1,000/- per sq feet in respect of the short measurement.

v. Further OPS is directed to pay Rs 50,000/-towards damages and Rs 10,000/- towards the cost of the litigation and other charges.



vi. OPs are hereby directed to comply with the above order at within 30 days from the date of receipt of this order and submit the compliance report to this forum within 15 days thereafter."

4. The petitioner being aggrieved by the said order passed by the District Commission filed Appeal No.1582/2019 before the Karnataka State Consumer Disputes Redressal Commission. (hereinafter referred to as '**the State Commission**'). The State Commission disposed off the said appeal vide order dated 24.02.2020. The operative part of the said order reads as under:-

"5. It is seen that the sale deed was registered in the year 2009 and the complaint was filed in the year 2019. There is a delay of nearly 10 years in filing the complaint. It is evident that sites were situated at Kolar District and the complaint filed by the complainant before the Bangalore Urban I Additional District Consumer Forum. It is seen that the site was got registered in the year 2009 and the complainant filed a complaint before the District Forum after lapse of nearly 9-10 years stating that there is a shortage of 100 Sq.ft in the site allotted to him.

6. In the circumstances, without going to the formalities let the measurement be conducted for the site registered in favour of the complainant and if there is a deficit of 100 Sq.ft, the same may be compensated by way of paying the amount as mentioned in the sale



*deed in respect of 100 Sq.Ft after calculating the same.
Accordingly,*

ORDER

The appeal is disposed-off. No costs.

The amount in deposit shall be transmitted to the District Forum and the District Forum is directed to pay the amount of 100 Sq.Ft to the respondent/complainant out of the deposited amount and after paying the amount, if any amount is remained, the same may be paid to the appellant/Opposite Party."

5. The petitioner thereafter, filed a Review Petition No.16/2020 before the State Commission seeking review/clarification of the order dated 24.02.2020 passed by it in Appeal No.1582/2019. The State Commission in its order dated 15.10.2020 passed in Review Petition No.16/2020 observed that in paragraph 6 of the order dated 24.02.2020 passed by the State Commission in Appeal No.1582/2019, has made it categorical that the measurement of the site has to be taken and if there is deficit of 100 square feet, the same should be compensated by way of paying the amount as mentioned in the sale deed in respect of 100 square feet. Therefore, operative portion of the order of the Commission,



would be required to be read along with paragraph 6. It was further said that the review petition was based on apprehension. The order of the State Commission was clear and therefore, the review petition was accordingly disposed of.

6. In the meantime, the respondent had filed the Execution Application No.48/2020 before the Bengaluru Rural and Urban I Additional District Consumer Disputes Redressal Commission, Shanthi Nagar, Bengaluru, to execute the order passed by the District Commission.

7. Despite the order passed by the State Commission, confining the relief to 100 square feet that if the land in question was deficit by 100 square feet then compensation shall be paid as per the sale deed, the District Commission allowed the Execution Application No.48/2020 vide order dated 23.10.2019. The petitioner being aggrieved by the order passed by the District Commission dated 23.10.2019 in Execution Application No.48/2020 filed Revision Petition



No.39/2020 before the State Commission. The State Commission vide order dated 09.11.2020 dismissed the said revision petition and held that the State Commission had not dismissed the complaint by allowing the appeal.

8. The mandate of the State Commission has to be executed, which is crystal clear. However, when the Appeal came to be disposed off by the State Commission vide order dated 24.02.2020, granting some relief in favour of the complainant, as the appeal was not allowed setting aside the order passed by the District Commission, there was no fault on the part of the District Commission to execute the order passed by it.

9. The said order dated 09.11.2020 passed by the State Commission in Revision Petition No.39/2020 was challenged by the petitioner by filing Writ Petition No.14548/2020. This Court vide judgment and order dated 23.07.2021 held that the Revision Petition No.39/2020 was not maintainable and therefore, the proceedings culminating in the orders passed



would automatically get terminated as they had no existence in the eyes of law. The order passed by the District Commission dated 23.10.2020 was quashed and consequently Execution application No.48/2020 filed by the decree holder before the District Commission, was dismissed. However, liberty was granted to the complainant/decreed holder to enforce the order dated 24.02.2020 passed by the State Commission. The operative portion of the judgment dated 23.07.2021 passed by this Court in Writ Petition No.14548/2015 reads as under :-

"ORDER

(i) Revision Petition No.39/2020 is held to be not maintainable and consequentially proceedings flowing from it and culminating in the orders passed will automatically get terminated as they have no existence in the eye of law.

(ii) Order dated 23.10.2020 (Annexure-R) passed by the District Commission is quashed and consequently, Execution Application No.48/2020 filed by the decree holder before the District Commission is dismissed.

(iii) However, decree holder is at liberty to enforce the order dated 24.02.2020 (Annexure-M) if so advised in the manner known to law.

iv) Costs made easy."



10. The respondent/complainant challenged the said judgment passed by this Court before the Supreme Court by filing Special Leave Petition No.16476/2021. However, the Special Leave petition came to be dismissed vide order dated 25.10.2021.

11. After dismissal of the Special Leave Petition by the Supreme Court as mentioned above, the respondent had filed the Revision Petition No.88/2022 before the National Commission challenging the order dated 24.02.2020 passed by the State Commission in Appeal No.1582/2019. The National Commission vide impugned order has set aside the order passed by the State Commission partially and remitted the matter back to the State Commission with a request to pass fresh order/award clarifying the relief granted vide impugned order dated 24.02.2020.

12. It may be noted that the District Commission's order dated 23.10.2019 passed in Complaint Number 373/2019 got merged in the order dated 24.02.2020 passed by the State



Commission in Appeal No.1582/2019. The doctrine of merger is applicable once the appellate/revisional forum as the case may be, adjudicate the matter and what comes out in the appeal/revision would be the order in existence and not the order passed by the Court/forum below. Thus, the order dated 24.02.2020 passed in Appeal No.1582/2019 would only be available for execution and not the order passed by the District Forum. The Order passed by the District Commission got merged into the order dated 24.02.2020 passed by the State Commission in Appeal No. 1582/2019.

13. The State Commission itself has clarified this position in the order dated 15.10.2020 passed in Review Petition No.16/2020. Paragraph 8 of the said order makes it abundantly clear which is extracted herein below:-

"8. Perused the Records and the Impugned Order, in particular para-6. "In the circumstances, without going to the formalities let the measurement be conducted for the site registered in favour of the complainant and if there is a deficit of 100 Sq.ft, the same may be compensated by way of paying the



amount as mentioned in the sale deed in respect of 100 Sq.Ft after calculating the same." It is therefore operative portion of the order of this commission shall have to be read along with para 6. In such view of the matter question to review as prayed only on the imaginary apprehension of the Review Petitioner either could be said premature or untenable is disposed off accordingly."

14. Despite this order, the State Commission in a non maintainable revision petition however, held that the District Commission was in its right to execute its order dated 23.10.2019 passed in Complaint No.373/2019. The order passed by the State Commission in Revision petition came to be set aside by a Co-ordinate Bench of this Court and dismissed the Execution Application No.48/2020 filed by the respondent/decreed holder, by giving liberty to enforce the order dated 24.02.2020. Against the said judgment passed by this Court dated 23.07.2021 the SLP came to be dismissed as mentioned above.

15. From the aforesaid facts, it is evident that the issue got comprehensively concluded that the order passed by the



District Commission dated 23.10.2019 passed in Complaint No.373/2019 got merged with the order passed by the State Commission dated 24.02.2020 in Appeal No.1582/2019. As this Court observed that if the complainant has any grievance, it can execute the order dated 24.02.2020 passed by the State Commission and it would not be entitled to execute the order dated 23.10.2019 passed by the District Commission.

16. We fail to understand that how the National Commission has entertained the revision petition against the order dated 24.02.2020 passed by the State Commission in Appeal No.1582/2019.

17. We are of the view, that the impugned order passed by the National Commission is wholly erroneous and unsustainable. The issue has got finally settled by the judgment of this Court dated 09.11.2020 passed in writ petition No.14548/2020 against which the SLP came to be dismissed.



18. Thus, we set aside the impugned order dated 18.01.2024 passed by National Commission in R.P.No.88/2022 and **allow** this writ petition.

19. In view of the petition having been allowed, pending interim applications, if any do not survive for consideration, hence disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(S RACHAIAH)
JUDGE**