

**RERA.A NO. 70/2025 Connected Cases: RERA.A NO. 69/2025,
RERA.A NO. 71/2025**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[JAIN HOUSING AND CONSTRUCTION LIMITED VS. SRI
ABRAHAM PANICKER AND ANOTHER]

13.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the appellant and learned counsel appearing for the respondents.

These appeals have been filed seeking to challenge the order of the Karnataka Real Estate Appellate Tribunal dated 03.07.2025 passed in Appeal (F.R) Nos.(K-REAT) 23/2025, 24/2025 and 25/2025 respectively with a further prayer to remand the matters back to the file of the Appellate Tribunal for fresh consideration of the appeal, with a direction to the Tribunal not to insist the appellant to make the pre-deposit of the entire amount awarded by respondent No.2.

The dispute in the present matters pertains to the amount of pre-deposit. The vires of the provision of Section

43(5) of the RERA Act was upheld by the Supreme Court in the case of ***Newtech Promoters & Developers (P) Ltd. v. State of U.P. and others***¹.

Noticing the aforesaid judgment, a coordinate bench of this Court in RERA A.No.22/2021, by its judgment dated 22.06.2023 held that an appeal can be preferred against the order of the adjudicating Authority awarding delay compensation and the Appellate Tribunal is required to consider the appeal on its merits if the appellant deposits 30% or such other percentage of the award amount as may be ordered by the Appellate Tribunal.

Thereafter, another coordinate Bench of this Court in RERA A.No.21/2021, by its order of 26.07.2021 noticed the very same judgment of the Supreme Court in RERA as well as the judgment of the coordinate Bench in Shriram Properties, directed the matter to be listed before a larger bench for a decision whether the conclusion arrived at by the coordinate Bench requires consideration more specifically in

¹ 2021 SCC Online SC 1044

view of paragraph number 121 of the Judgment of the Supreme Court in Newtech Promoters & Developers (P) Ltd.

We have perused the order of the Tribunal. The appeals are admitted on the substantial question of law that since a coordinate bench of this Court, has referred the issue of amount of pre-deposit under the *proviso* to Section 43(5) of the RERA Act to a larger bench after expressing its inability to agree with the view of the Division Bench in Shriram Properties, then could the Appellate Tribunal have passed the order for deposit of 100% of the amount.

List these matters for hearing / disposal on 06.03.2026.

**(JAYANT BANERJI)
JUDGE**

**(T.M.NADAF)
JUDGE**