

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6995/2026

Devender Singh S/o Shri Balbir Singh, Aged About 40 Years, R/o Sapphire-1/205, BDI Sunshine City, Alwar Bye-Pass, Bhiwadi, Distt- Khairthal- Tijara (Raj.) 301019.

-----Petitioner

Versus

1. Berry Developers And Infrastructure (P) Ltd., Building No. 80, 3Rd Floor, Sector-44, Adjoining Ramada Hotel, Gurugram, Haryana through its Manager.
2. Bdi Estate (P) Ltd. (Maintenance Agency), BDI, Sunshine City, Alwar Bypass Bhiwadi, District- Khairthal- Tijara (Raj.) 301019 through its Manager.

-----Respondents

For Petitioner(s)	:	Mr. D.D. Khandelwal
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

19/05/2026

1. The present writ petition has been filed with the following prayer:-

"It is, therefore, most respectfully prayed that the entire record pertaining to the present writ petition may kindly be called for and by screening the same writ petition may kindly be allowed as under:

(i). by issuance of a writ or direction to appellate authority under the Rajasthan Apartment Ownership Act, 2015 BIDA Bhiwadi to decide the appeal as prayed therein shows its no.3/2024 Devender Singh Versus Berry Developers himself and setaside the impugned judgment dated 13.03.2026 earliest.

(ii). Any other order which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."

2. Learned counsel for the petitioner submits that the learned Appellate Court erred in not deciding the matter on merits instead remanding the matter for re-adjudication. He therefore prays that

the impugned order dated 13.03.2026 may kindly be set aside and the learned Appellate Court may be directed to decide the issue on merits.

3. Heard learned counsel for the petitioner and perused the impugned order.

4. From the record of the case it is revealed that initially the complaint of the petitioner was rejected vide order dated 02.09.2024 on the ground that the same was not presented in the proper format as prescribed in the Rajasthan Apartment Ownership Act, 2015, and the said order dated 02.09.2024 was assailed by the petitioner by filing an appeal under Section 26 of the Rajasthan Apartment Ownership Act, 2015, upon which the learned Appellate Court after considering the facts of the case not only set aside the order dated 02.09.2024, and passed certain directions along with remanding the matter with a specific direction to the petitioner to file a fresh application.

5. Since the original petition was not adjudicated on merits and was dismissed on a technical ground that the application was not filed in the proper format as prescribed in the Rajasthan Apartment Ownership Act, 2015 and further, that the petitioner has failed to disclose the provision of the Act under which the present application was filed, therefore, the attempt of the petitioner to file the present writ petition with a prayer to direct the learned Appellate Court to decide the matter on merits, is wholly misconceived.

6. Further from bare perusal of the impugned order, it is revealed that the claims of petitioner is yet to be adjudicated by

the original authority, therefore, the arguments advanced by the learned counsel for the petitioner cannot be accepted.

7. In that view of the matter, the impugned order dated 13.03.2026 is found infallible and immaculate in eye of law, and does not suffer from any jurisdictional error, illegality, perversity, or legal infirmity so as to warrant any interference by this Court under the powers conferred by Article 227 of the Constitution of India.

8. Accordingly, the present writ petition fails, and is hereby dismissed.

9. All other pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J