HC-KAR

NC: 2026:KHC:58491
RP No. 430 of 2026

CNR: KAHC010518012026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

REVIEW PETITION NO. 430 OF 2026

BETWEEN:

M/S VENKATESHWARA INFRA PROJECTS
A SOLE PROPRIETORSHIP
NO. 631/118, 9TH MAIN ROAD,
PRAKASHNAGAR
BENGALURU 560 021
REPRESENTED BY ITS PROPRIETOR
SRI. G P GANESH

...PETITIONER

(BY SRI. ANANTHAKRISHNA B S., ADVOCATE)

AND:

1. SRI VARUN RAO B
   S/O.SRI. GURU RAJ RAO B.
   AGED ABOUT 43 YEARS
   R/A. NO 209/30/1, 9TH MAIN
   SRINAGAR, NEAR VENKATESHWARA SWAMY TEMPLE,
   NEAR BDA COMPLEX,
   NAGARBHAVI, BANGALORE 560 050

2. THE STATE OF KARNATAKA
   REPRESENTED BY ITS DEPUTY COMMISSIONER,
   BANGALORE URBAN DISTRICT
   BENGALURU 560 001.

3. THE SPECIAL TAHASILDAR
   BENGALURU NORTH TALUK
   KANDAYA BHAVAN
   GROUND FLOOR, K G ROAD
   BENGALURU - 560 009

4. KARNATAKA REAL ESTATE
   REGULATORY AUTHORITY

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2ND FLOOR, SILVER JUBILEE PARK,
MISSION ROAD,
BENGALURU 560 027,
REPRESENT BY CHAIRMAN.

…RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER SECTION 114 READ WITH ORDER XLVII RULE 1 OF THE CODE OF CIVIL PROCEDURE 1908, PRAYING TO REVIEW THE IMPUGNED ORDER DATED 13.11.2025 (VIDE ANNEXURE-A) PASSED BY THIS HON'BLE COURT IN W.P.NO.27766/2025 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this court seeking for the following reliefs:

   1. *Review the Impugned Order dated 13.11.2025 (vide Annexure-A) passed by this Hon'ble Court in W.P.No.27766/2025;.*

   2. *Pass any other or further order which this Hon'ble Court may deem fit in the circumstances of the case, in the interests of justice and equity.*

2. The petitioner seeks review of the order dated 13.11.2025 passed by this Court in W.P. No.27766 of 2025. By the said order, this Court, having noticed that the Special Deputy Commissioner had not implemented the recovery certificate issued under Section 40 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the RERA Act"), issued a

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writ of mandamus directing the Special Deputy Commissioner to implement the said recovery certificate, taking into consideration the submission of the learned AGA that a post of Special Deputy Commissioner has been created to give effect to recovery certificates issued.

3. Learned counsel for the petitioner submits that the respondent has initiated contempt proceedings alleging non-compliance with the order dated 13.11.2025.

4. The recovery certificate issued under Section 40 of the RERA Act is stated to have been issued pursuant to an order passed by the Real Estate Regulatory Authority (RERA). So long as the underlying order remains in force and has not been stayed or set aside by a competent forum, the recovery certificate is required to be implemented. The direction issued by this Court on 13.11.2025 was, accordingly, confined to securing implementation of the recovery certificate.

5. If the petitioner is aggrieved by the order passed by RERA or the consequential recovery proceedings, it is for the petitioner to avail the remedies available in law before the competent forum. If the petitioner obtains an appropriate order of stay in such proceedings, the enforceability of the recovery certificate would be

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governed by the terms of the stay order. Likewise, if the underlying order is ultimately set aside or modified by the competent forum, the consequential effect on the recovery certificate and its enforcement would have to be determined in accordance with law.

6. In the circumstances, no ground warranting review of the order dated 13.11.2025 is made out. The present review petition is, accordingly, ***dismissed***, reserving liberty to the petitioner to avail the remedies available in law in respect of the underlying order passed by RERA and the consequential recovery proceedings.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 3 Sl No.: 10