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RERA.A No. 85 of 2025  
C/W RERA.A No. 86 of 2025  
RERA.A No. 87 of 2025  
AND 3 OTHERS

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 26<sup>TH</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**RERA APPEAL NO. 85 OF 2025**

**C/W**

**RERA APPEAL NO. 86 OF 2025**

**RERA APPEAL NO. 87 OF 2025**

**RERA APPEAL NO. 88 OF 2025**

**RERA APPEAL NO. 89 OF 2025**

**RERA APPEAL NO. 90 OF 2025**

**IN RERA.A No. 85/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.,  
A COMPANY UNDER THE  
COMPANIES ACT, 2013,  
HAVING OFFICE AT, A-SHOP-12,  
FLOOR-1, PLOT-2, A BLOCK,  
DATTATRAYA NIWAS,  
GOKHALE ROAD (SOUTH),  
PORTUGUESE CHURCH, DADAR (W)  
MUMBAI - 400 028.  
REP. BY ITS AUTHORISED REPRESENTATIVE  
MR. RAJU M.

...APPELLANT

(BY SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)





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**AND:**

1. GOPAL AGARWAL  
SON OF SUSHIL AGARWAL,  
AGED ABOUT 42 YEARS,  
RESIDING AT MR-506,  
GOLDEN BLOSSOM,  
OPPOSITE SAI BABA ASHRAM,  
KADUGODI, BENGALURU - 560 067
  
2. AMIT AGARWAL  
SON OF SUSHIL AGARWAL,  
AGED ABOUT 42 YEARS,  
R/AT MR-506, GOLDEN BLOSSOM,  
OPPOSITE SAI BABA ASHRAM,  
KADUGODI, BENGALURU - 560 067
  
3. KARNATAKA REAL ESTATE REGULATORY AUTHORITY  
2<sup>ND</sup> FLOOR, SILVER JUBILEE BLOCK,  
3<sup>RD</sup> CROSS ROAD, CSI COMPOUND,  
MISSION ROAD,  
SAMPANGI RAMA NAGARA,  
BENGALURU - 560 027  
REPRESENTED BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. REYNOLD D'SOUZA, ADVOCATE FOR R1 AND R2;  
SRI. K V GIRISH, ADVOCATE FOR R3)

THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) NO.20/2025 (VIDE ANNEXURE A); REMAND APPEAL NO.(K-REAT) 20/2025 TO THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU FOR ADJUDICATION ON THE MERITS OF THE MATTER BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL BENGALURU.



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**IN RERA.A NO.86/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.  
A COMPANY UNDER THE COMPANIES ACT, 2013  
HAVING OFFICE AT A-SHOP-12  
FLOOR-1, PLOT-2, A BLOCK  
DATTATRAYA NIWAS, GOKHALE ROAD (SOUTH)  
PORTUGUESE CHURCH, DADAR (W)  
MUMBAI – 400 028  
REP. BY ITS AUTHORISED REPRESENTATIVE  
MR. RAJU M. LEGAL

...APPELLANT

(BY SRI. SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)

**AND:**

1. HRISHIKESH MURUKKATHAMPOONDI  
FATHER'S NAME NOT KNOWN  
AGED MAJOR
2. PRABHA SUNDAR  
FATHER'S NAME NOT KNOWN  
AGED MAJOR

BOTH RESPONDENT NOS.1 AND 2  
RESIDE AT 2053, SOBHA  
PALLADIAN, KARIAMMANA  
AGRAHARA ROAD,  
HAL CENTRAL TOWNSHIP,  
OFF YAMLUR SIGNAL,  
MARATHAHALLI  
BENGALURU – 560 037

3. KARNATAKA REAL ESTATE REGULATORY AUTHORITY  
2<sup>ND</sup> FLOOR, SILVER JUBILEE  
BLOCK, 3<sup>RD</sup> CROSS ROAD,



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CSI COMPOUND, MISSION ROAD  
SAMPANGI RAMA NAGARA  
BENGALURU – 560 027  
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. P B APPAIAH, ADVOCATE FOR  
C/R1 AND R2;  
SRI. K V GIRISH, ADVOCATE FOR R3)

THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) NO.22/2025 (VIDE ANNEXURE A); REMAND APPEAL NO.(K-REAT) 22/2025 TO THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU FOR ADJUDICATION ON THE MERITS OF THE MATTER.

**IN RERA.A NO. 87/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.  
A COMPANY UNDER  
THE COMPANIES ACT, 2013  
HAVING OFFICE AT A-SHOP-12,  
FLOOR-1 PLOT-2, A BLOCK DATTATRAYA  
NIWAS, GOKHALE ROAD (SOUTH),  
PORTUGUESE CHURCH DADAR (W)  
MUMBAI – 400 028

REP. BY ITS AUTHORISED REPRESENTATIVE  
MR. RAJU M., LEGAL

...APPELLANT

(BY SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)



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**AND:**

1. ANAND DHARIYA  
SON OF MUKUND DHARIYA  
AGED MAJOR  
R/AT NO.43 SHIVAJI  
HOUSING SOCIETY, INDU  
NIWAS PUNE DISTRICT-411016
  
2. KARNATAKA REAL ESTATE  
REGULATORY AUTHORITY  
2<sup>ND</sup> FLOOR, SILVER JUBILEE BLOCK  
3<sup>RD</sup> CROSS ROAD, CSI COMPOUND  
MISSION ROAD, SAMPANGI RAMA NAGARA  
BENGALURU – 560 027  
REP. BY ITS CHAIRMAN

...RESPONDENTS

(R1 – SERVED AND UNREPRESENTED;  
SRI. K V GIRISH, ADVOCATE FOR R2)

THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) NO.24/2025 (VIDE ANNEXURE A). REMAND APPEAL NO.(K-REAT) 24/2025 TO THE HONBLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU FOR ADJUDICATION ON THE MERITS OF THE MATTER BY THE HONBLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL BENGALURU.

**IN RERA.A NO. 88/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.  
A COMPANY UNDER  
THE COMPANIES ACT, 2013  
HAVING OFFICE AT, A-SHOP -12,



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FLOOR-1, PLOT-2, A BLOCK,  
DATTATRAYA NIWAS, GOKHALE ROAD (SOUTH),  
PORTUGUESE CHURCH DADAR (W)  
MUMBAI - 400028  
REP. BY ITS AUTHORISED  
REPRESENTATIVE, MR. RAJU M., LEGAL

...APPELLANT

(BY SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)

**AND:**

1. JITESH LOHANI  
FATHER'S NAME NOT KNOWN,  
AGED ABOUT 46 YEARS,  
R/AT FLAT-4118, TOWER - 4,  
PRESTIGE SHANTINIKETAN,  
ITPL MAIN ROAD, WHITEFIELD  
BENGALURU - 560 066
2. KARNATAKA REAL ESTATE REGULATORY AUTHORITY,  
2<sup>ND</sup> FLOOR, SILVER JUBILEE BLOCK,  
3<sup>RD</sup> CROSS ROAD, CSI COMPOUND,  
MISSION ROAD, SAMPANGI RAMA NAGARA,  
BENGALURU - 560 027  
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. SHIVA KUMAR, ADVOCATE FOR C/R1;  
SRI. K V GIRISH, ADVOCATE FOR R2)

THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, R/W SEC.100 OF CPC, PRAYING TO (1) SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) 21/25 (VIDE ANNEXURE A); (2) REMAND APPEAL NO.(K-REAT) 21/25 FOR ADJUDICATION ON THE MERITS OF THE MATTER BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU.



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**IN RERA.A NO. 89/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.  
A COMPANY UNDER THE COMPANIES ACT, 2013  
HAVING OFFICE AT A-SHOP-12,  
FLOOR-1, PLOT-2, A BLOCK,  
DATTATRAYA NIWAS,  
GOKHALE ROAD (SOUTH)  
PORTUGUESE CHURCH DADAR (W)  
MUMBAI - 400 028  
REP. BY ITS AUTHORISED  
REP. MR RAJU M LEGAL.

...APPELLANT

(BY SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)

**AND:**

1. BAPPI BANIK  
FATHER'S NAME NOT KNOWN  
AGED MAJOR,  
R/AT NO.5116, SOBHA CHRYSANTHEMUM,  
THANISANDRA MAIN ROAD,  
BENGALURU URBAN  
KARNATAKA - 560 077.
2. KARNATAKA REAL ESTATE REGULATORY AUTHORITY  
2<sup>ND</sup> FLOOR, SILVER JUBILEE BLOCK,  
3<sup>RD</sup> CROSS ROAD, CSI COMPOUND,  
MISSION ROAD, SAMPANGI RAMA NAGARA,  
BENGALURU - 560 027.  
REP. BY ITS CHAIRMAN.

...RESPONDENTS

(BY SRI SHIVAKUMAR, ADVOCATE FOR C/R1;  
SRI. K V GIRISH, ADVOCATE FOR R2)



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THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN F.R. NO.(K-REAT) NO.127/2024 (VIDE ANNEXURE A); REMAND APPEAL NO.(K-REAT) 127/2024 FOR ADJUDICATION ON THE MERITS OF THE MATTER BEFORE THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL BENGALURU.

**IN RERA.A NO. 90/2025**

**BETWEEN:**

LILY REALTY PVT. LTD.  
A COMPANY UNDER THE COMPANIES ACT, 2013  
HAVING OFFICE AT A-SHOP-12  
FLOOR - 1, PLOT - 2, A BLOCK  
DATTATRAYA NIWAS  
GOKHALE ROAD (SOUTH)  
PORTUGUESE CHURCH, DADAR (W)  
MUMBAI - 400 028  
REP. BY ITS AUTHORISED REPRESENTATIVE  
MR RAJU M., LEGAL  
...APPELLANT

(BY SRI. VIKRAM A. HUILGOL, SENIOR COUNSEL  
FOR SRI. SHRIKARA P K., ADVOCATE)

**AND:**

1. DEEPESH KHATRI  
FATHER'S NAME NOT KNOWN  
AGED MAJOR  
D432 BRIGADE GOLDEN TRIANGLE  
KATTAMAMNALLUR JUNCTION  
BANGALORE  
BENGALURU URBAN  
KARNATAKA - 560 049



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2. SHIVANI CHOPRA  
FATHER'S NAME NOT KNOWN  
AGED MAJOR  
D432 BRIGADE GOLDEN TRIANGLE  
KATTAMAMNALLUR JUNCTION  
BANGALORE  
BENGALURU URBAN  
KARNATAKA – 560 049
  
3. KARNATAKA REAL ESTATE REGULATORY AUTHORITY  
2<sup>ND</sup> FLOOR SILVER JUBILEE  
BLOCK, 3<sup>RD</sup> CROSS ROAD  
CSI COMPOUND, MISSION ROAD,  
SAMPANGI RAMA NAGARA  
BENGALURU – 560 027  
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. REYNOLD D'SOUZA, ADVOCATE FOR R1 AND R2;  
SRI. K V GIRISH, ADVOCATE FOR R3)

THIS RERA.APEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO (1) SET ASIDE THE IMPUGNED ORDER DATED 28.10.2025 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) 23/25 (VIDE ANNEXURE A); (2) REMAND APPEAL NO.(K-REAT) 23/25 TO THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU FOR ADJUDICATION ON THE MERITS OF THE MATTER BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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



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### **ORAL JUDGMENT**

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

RERA.A No.85/2025 is filed against the order dated 28.10.2025 passed by the Karnataka Real Estate Appellate Tribunal<sup>1</sup>, Bengaluru in Appeal No.(K-REAT) 20/2025. By means of the impugned order, the application – I.A No.II filed by the promoter of 2025 seeking condonation of delay of 661 days in filing the memorandum of appeal against the judgment and order dated 11.10.2022, Execution Order dated 27.12.2022 and the Revenue Recovery Certificate dated 24.01.2023 passed by the Karnataka Real Estate Regulatory Authority<sup>2</sup> was rejected and in view thereof, the appeal was disposed of.

2. In RERA A.No.86/2025, the order dated 28.10.2025 passed by the KREAT, Bengaluru in Appeal No.(K-REAT) 22/2025 is under challenge whereby, the I.A No.II of 2025 filed by the promoter seeking condonation of delay of 1702 days in filing the memorandum of appeal against the order dated 05.12.2019, Execution Order dated 04.03.2021

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<sup>1</sup> KREAT

<sup>2</sup> KRERA



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and the Revenue Recovery Certificate dated 23.03.2021 passed by the KRERA was rejected and the Appeal No.22/2025 was disposed of.

3. In RERA.A No.87/2025, the impugned order dated 28.10.2025 passed by the KREAT, Bengaluru in Appeal No.(K-REAT) 24/2025 is under challenge whereby, the I.A No.II of 2025 filed by the promoter seeking condonation of delay of 486 days in filing the memorandum of appeal against the order dated 26.06.2023, Execution Order dated 21.09.2023 and Revenue Recovery Certificate dated 25.10.2023 passed by the KRERA has been rejected and the Appeal No.24/2025 was accordingly disposed of.

4. RERA.A No.88/2025 has been filed seeking to set aside the impugned order dated 28.10.2025 passed by the KREAT, Bengaluru in Appeal No.(K-REAT) 21/2025 whereby, the I.A No.II of 2025 filed by the promoter seeking condonation of delay of 1416 days in filing the appeal against the order dated 16.09.2020, Execution Order dated 16.12.2022 and the Revenue Recovery Certificate dated 30.12.2022 passed by the



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KRERA was rejected and the Appeal No.21/2025 was disposed of.

5. RERA. A No.89/2025 is filed against the impugned order dated 28.10.2025 passed by the KREAT, Bengaluru in F.R. No.(K-REAT) 127/2024 whereby, the I.A No.II of 2025 filed by the promoter seeking condonation of delay of 2012 days in filing the appeal against the impugned order dated 29.01.2019, Execution Order dated 06.12.2022 and the Revenue Recovery Certificate dated 16.12.2022 passed by the KRERA has been rejected and the Appeal F.R. No.127/2024 was disposed of.

6. In RERA.A No.90/2025 is filed seeking to set aside the order dated 28.10.2025 passed by the KREAT, Bangalore, Appeal No.(K-REAT)23/2025 whereby, the I.A No.II of 2025, filed by the promoter seeking condonation of delay of 486 days in filing the memorandum of appeal against the order dated 02.08.2023, Execution Order dated 05.03.2024 and the Revenue Recovery Certificate dated 04.04.2024 passed by the KRERA has been rejected and Appeal No.23/2025 has been disposed of.



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7. Different grievances were raised by the allottees / complainants before the KREERA in complaints filed under Section 31 of the RERA Act pertaining to non-handing over of possession of the apartment, delayed compensation not being paid etc. The issues being raised by the complainants before the RERA Authority being the same, the aforesaid appeals were filed before the Appellate Tribunal challenging the aforesaid orders passed by the RERA Authority seeking condonation of delay.

8. In the applications filed by the appellant / promoter seeking condonation of the delay, reference was made to the affidavit enclosed thereto to demonstrate that sufficient cause existed for not filing the appeals within time. The affidavits are identically worded, except the factum of the dates of the judgment/order passed by the Authority. Since the content and tenure of the affidavits are the same in all, the affidavit filed in RERA.A No.85/2025 is quoted below wherein, the reasons have been stated for condonation of delay. It reads as follows:

*"I, Raju M s/o. Mani Achari, aged about 44 years, having office at No.17, Bhattarahalli, K.R. Puram,*



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*Bengaluru - 560 049, do hereby solemnly affirm and swear on oath as follows:*

- 1. I am the authorized representative of the Appellant in the instant matter. I am aware of the facts and circumstances in the instant matter based on records maintained by the Appellants. I am competent to swear to the accompanying affidavit.*
- 2. I submit that the Appellant has filed the instant appeal being aggrieved by the common Order dated 11.10.2022 ("Impugned Judgment") Execution Order dated 27.12.2022 and Revenue Recovery Certificate (RRC) dated 24.01.2023 passed by the Hon'ble Karnataka Real Estate Regulatory Authority ("RERA") in CMP/200826/0006434.*
- 3. I state that the Impugned Judgment was passed on 11.10.2022, however, the same came to the knowledge of the Appellant only on 20.10.2022, through email. I state that thereafter, the Appellant immediately started to procure all necessary information and collate documents for the purposes of filing the Appeal. However, the same required some time as several officers present in the Appellant company at the time of passing of the Impugned Judgment had left the office of the Appellant company and as such, the officers who joined thereafter, were unable to procure all necessary information and collate documents easily.*
- 4. Further, and due to office functioning remotely during Covid-19 period, not all records were physically available at the offices of the Appellant when the offices of the Appellant resumed functioning*



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*physically. This coupled with the fact that the several officers had left the Appellant company, the Appellant was unable to procure all necessary information and collate documents to prefer the instant Appeal within the prescribed period of time.*

*5. Further, it is also to be noted that there was no quorum before this Hon'ble Tribunal, being the Appellate Tribunal to the Respondent No.2, from 20.10.2022 to September 2024. As such, the Appellant has preferred the instant Appeal now before this Hon'ble Tribunal. Therefore, I state that for reasons outside the control of the Appellant Company the Appellant was unable to challenge the Impugned Orders within the prescribed period of time. Hence, this Application.*

*6. I state that any delay in filing the appeal is neither intentional nor deliberate, but for the bonafide reasons as mentioned above. If the accompanying application is not allowed the Appellant will be put to great hardship, irreparable loss and the very purpose and object of filing this Appeal would be defeated. On the other hand, no hardship would be caused to the Respondents if the application is allowed as the matter would be heard on the merits of the case.*

*Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the instant appeal as prayed for in the accompanying application, in the interest of justice and equity."*



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9. It has been stated that the promoter went about procuring all necessary information and collating documents for the purpose of filing appeal. Since several Officers of the appellant / promoter had left the office of the appellant, and Officers had joined thereafter, the appellant was unable to procure all necessary information and collate documents easily. Due to remote functioning of office during COVID-19 period, not all records were physically available at the offices of the appellant when the appellant resumed functioning of the offices physically. It has also been stated that the requisite forum before the Tribunal was not available from 20.10.2022 till September, 2024. It was only thereafter that the appeal was preferred. It was finally stated that the delay in filing the appeal is *bona fide* and if the application is not allowed, the appellant would be put to great hardship and irreparable loss.

10. We find from perusal of the aforesaid affidavit that no reasons have been stated which would constitute sufficient cause for condonation of the enormous delay ranging from 486 days to 2012 days in filing the aforesaid appeals. Though learned counsel for the appellant has vehemently contended



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that the merits of the matter also need to be looked into, as the appellant has a very strong case on merits, the fact remains that in various decisions of the Supreme Court, it has been held that merits are not required to be looked into while adjudicating an application for condonation of delay. We note from the orders impugned passed by the Appellate Tribunal that while rejecting the appeals filed by the appellant / promoter, cogent reasons have been ascribed.

11. An application for condonation of delay made under Section 5 of the Limitation Act construed liberally provided in "sufficient cause" for not filing the appeal/application within the prescribed period is shown to the satisfaction of the Court (See *Pathapati Subba Reddy (died) by LRs and others vs. Special Deputy Collector (LA)* - [(2024) 12 SCC 336] and *Shivamma (Dead) by Lrs. vs. Karnataka Housing Board and others* - [(2025) SCC Online SC 1969].

12. For the reasons aforesaid, we find no merit in the aforesaid appeals. The appeals are accordingly dismissed. Any amount that has been deposited by the appellant before the



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Appellate Tribunal towards pre-deposit, shall be refunded to the appellant on application.

Pending I.As stand disposed of.

**Sd/-  
(JAYANT BANERJI)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

KG  
List No.: 1 Sl No.: 1