

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2026
(@ SLP(C) No. 14486/2025)

**THE COMMISSIONER, MYSORE URBAN DEVELOPMENT
AUTHORITY**

APPELLANT(S)

VERSUS

LT. GEN. (RETD.) BNBM PRASAD & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Challenge in this appeal is to the judgment dated 29.01.2025 passed by the High Court of Karnataka at Bengaluru in Writ Petition No. 14296/2024 (GM-Con).
3. The said writ petition was filed against the order passed by the Karnataka State Consumer Disputes Redressal Commission¹ on 11.01.2024, whereby the appeal filed by the appellant - Mysore Urban Development Authority², was allowed and the complaint filed by respondent No. 1 was dismissed.
4. Though we find merit in the contention of the learned counsel for the Authority that the High Court was not justified in entertaining a writ petition against an order passed by the

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- 1 'SCDRC' for short
- 2 'Authority' for short

SCDRC in exercise of appellate jurisdiction as an effective alternative remedy, by way of a revision, was available to respondent No. 1 under the provisions of the Consumer Protection Act, 1986, we are of the opinion that, given the facts and circumstances of the case, the interest of justice requires us to exercise our jurisdiction under Article 142 of the Constitution of India so as to give a quietus to the matter instead of driving the parties to another round of litigation.

5. It is an admitted fact that respondent No. 1 was allotted a site by the Authority under 'Ex-servicemen' category as long back as on 25.02.2001. Respondent No. 1 paid a sum of ₹5,000/- (Rupees five thousand only) along with his application and though there was some delay on his part in paying the first installment of ₹24,000 (Rupees twenty four thousand) and the balance amount of ₹1,31,000/- (Rupees one lakh thirty one thousand), the irrefutable fact remains that those payments were made with just a few months' delay. The sum of ₹24,000/- (Rupees twenty four thousand), which was to be paid within 15 days of the issuance of the sanction letter dated 25.02.2001, was paid on 02.06.2001, while the sum of ₹1,31,000/- (Rupees one lakh thirty one thousand), which was to be paid within 90 days, was paid on 29.11.2001.
6. Having received the aforestated sums of money from respondent No. 1, the Authority failed to take action, either for execution of the lease deed in favour of respondent No. 1 or

to cancel the allotment in his favour. It is in this context that respondent No. 1 approached the District Consumer Disputes Redressal Forum³, Mysore.

7. By order dated 22.07.2016, the DCDRF directed the Authority to allot the site bearing No. 566 situated in Hanchya-Sathagally B-Zone and execute necessary documents for handing over the possession of the same to respondent No. 1 within a time frame. In the event of default, the Authority was to pay penalty of ₹500/- (Rupees five hundred only) per day to respondent No. 1. In addition thereto, compensation of ₹10,000/- (Rupees ten thousand) towards deficiency in service and costs of ₹2000/- (Rupees two thousand) were also to be paid within a time frame, failing which they were to carry interest at the rate of 10% per annum.
8. Aggrieved by the said order, the Authority approached the SCDRC, by way of an appeal, which was allowed on 11.01.2024 resulting in the dismissal of the consumer complaint itself. The said order was subjected to challenge before the High Court by way of Writ Petition No. 14296/2024 (GM-Con) by respondent No. 1.
9. By the impugned order, a Division Bench of the High Court allowed the writ petition, quashing the order passed by the SCDRC and restoring the order of the DCDRF.
10. However, while confirming the payments to be made to respondent No. 1, in terms of the order passed by the DCDRF,

3 “DCDRF”, for short

the Division Bench permitted the Authority to deduct ₹21,930/- (Rupees twenty one thousand nine hundred thirty), claimed by it as interest on delayed payments.

11. Given the fact that respondent No. 1 paid the full amount for allotment of the site in the year 2001 itself, with a just few months' delay, and the fact that he was not allotted the site till date, despite the Authority not resorting to cancellation of the allotment, it is not open to the Authority to assert that it is not liable to make good on the allotment or compensate respondent No. 1 for retaining his monies while denying him the possession and enjoyment of the site.
12. Upon instructions, the learned counsel appearing for the Authority, informed this Court that the site bearing No. 566 is still available for allotment to respondent No. 1.
13. In that view of the matter, this appeal is disposed of, directing the Authority to allot the site in question to respondent No. 1; execute all necessary documents in connection therewith; and deliver possession thereof to him within 30 days from today.
14. Further, as the Authority retained the monies paid by respondent No. 1 for all these years though he got no benefit out of the same and as he was also driven to litigation stretching over more than a decade, we deem it appropriate to direct the Authority to pay compensation of ₹2,40,000/- (Rupees two lakhs forty thousand only) to respondent No. 1. This compensation shall also be paid within the aforestated

time frame of 30 days from today.

15. The orders passed by the DCDRF and the High Court shall stand set aside to the extent they direct otherwise.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
SEPTEMBER 29, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 14486/2025

[Arising out of impugned final judgment and order dated 29-01-2025 in WP No. 14296/2024 passed by the High Court of Karnataka at Bengaluru]

THE COMMISSIONER

Petitioner(s)

VERSUS

LT. GEN. (RETD.) BNBM PRASAD & ANR.

Respondent(s)

(IA No. 128272/2025 - EXEMPTION FROM FILING O.T.)

Date : 29-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) Mr. Sharan Dev Singh Thakur, Sr. Adv.(N/P)
 Mr. Mahesh Thakur, AOR
 Mr. Siddhartha Sati, Adv.
 Mr. Narveer Yadav, Adv.
 Ms. Ruchi Kumari, Adv.

For Respondent(s) Mr. V.C. Shukla, Adv.
 Mr. Anantha Narayana M.G.- 2160, AOR
 Ms. Aastha Singh, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS

(PREETI SAXENA)
COURT MASTER (NSH)

(Signed order is placed on the file)