

BEFORE TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY
[Under the Real Estate (Regulation and Development) Act, 2016]

COMPLAINT NO.654 OF 2022

2nd Day of March, 2024

Corum: **Dr. N. Satyanarayana, IAS (Retd.), Hon'ble Chairperson**
Sri K. Srinivasa Rao, Hon'ble Member
Sri Laxmi Narayana Jannu, Hon'ble Member

Sri A. Chandrasekhara Reddy

...Complainant

Versus

M/s Ashrita Group

...Respondent

The present matter filed by the Complainant herein came up for hearing on 26.09.2023, 01.11.2023, 19.12.2023 and 09.01.2024 before this Authority in the presence of the Counsel for Complainant and Complainant in person, and Counsel for Respondent upon hearing the arguments of the parties, this Authority passes the following **ORDER:**

2. The present Complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") requesting appropriate action against the Respondent Builder.

A. Brief facts of the Complaint

3. The Complainant submits that, even though he has no direct damages with the Respondent Company, he seeks to bring to the notice of this Authority the following facts about the Property being Residential Complex named "Jewels County" situated in Survey Nos. 229/A1/1, 229/AA, 229/A, 243/A, 236, 229/A2, 243/AA, 243/AA2 and 229/AA situated at Kistareddypeta village, Ameenpur Mandal, Sanga Reddy District:

- i. HMDA accorded Technical Approval vide Application No.030870/SKP/R1/06/HMDA/22112079 dated 08.01.2021
- ii. RERA registration vide Registration No.P01100002614 dated 23.02.2021. Expiring on 31.12.2026.
- iii. Before getting approval of HMDA, builder have to undertake the adherence to every provision of HMDA. While getting the approval, M/s Asritha's Group has undertaken and executed a Simple Mortgage Deed of 10% of total property i.e., 8,310.43 Sq. mtrs in A, B, C and D Blocks in favour of Metropolitan Commissioner, HMDA through document 23155/2020 dated 07.09.2020.
- iv. By breaching the condition, the Respondent sold out some of the mortgaged property to third party without the release permission of HMDA officials. One of the transactions is Flat No. A-203 (west facing), in 2nd Floor of 'Emerald - A Block' measuring 1152 sq.feets with undivided share of land admeasuring 28.16 sq.yards through Sale Deed No.30762/2021 dated 16.08.2021 at Office of the Joint Sub-Registrar, Sangareddy (R.O).
- v. Builder is permitted for 2 cellars, 1 stilt and 10 Floors. In contradiction with HMDA Rules, puttings were installed in C -Block and 3rd cellar is being constructed without 'No Objection Certificate' from State Disaster Response & Fire Services Department.

- vi. In contrary with the conditions of HMDA, builder has completed 3rd cellar in Block-D.
- vii. Further, according to the hearsay information, the builder entered into the Agreement to Sell of Flats in 11th and 12th Floors of A, B, C and D Blocks without permission and physical existence.

B. Reply on behalf of the Respondent:

4. Vide Reply dated 03.01.2023, the Respondent submitted that the complaint is with ulterior motive to cause damage to the Respondent Company's reputation and also cause a wrongful loss.
5. The concerned authorities have given approval for the same Vide RERA No. P01100002614 dated 23.02.2021 and also approval from HMDA technical team vide approval No. 030870/SKP/R1/06/HMDA/22112079 dated 08.01.2021.
6. Respondent has also Created a simple mortgage deed vide No. 23155/2020 with concerned authorities in pursuance of the approvals required from authorities.

That one Smt. Nagamadhavi Gangarapu w/o Narahari Pulaiah had shown interest in purchasing a Flat No. 403 in A-Block in the said venture. In pursuance of same, Registered Sale deed was executed vide No. 30762/2021 dated 16.08.2021 at SRO Sangareddy in respect of semi-finished flat admeasuring 1152 sq.ft with undivided share of 28.16 sq yards. As the Vendees were Non-Resident Indians working in Tel Aviv, Israel, the documents were processed and original documents were to be handed over to vendee at earliest. That when the Respondent collected Original Documents from SRO, it was found that the document writers had done a typographical mistake of mentioning Flat no. 203 Instead of 403 in A Block in same venture in the sale deed. Respondent had

informed the same immediately to Vendees and requested them to come for rectification of said document. The Asritha's Group had also booked a slot for rectification/cancellation dated 03.01.2021 by paying a challan of the 3,000/ dated 31.10.2021 to the registration and stamps department of Government of Telangana State.

7. Respondent submitted that the cancellation of Sale deed was executed vide Doc. No. 43725/2022 dated 27.12.2022 at SRO Sangareddy. As such the Original Sale deed of Flat No. 203 stands cancelled and new sale deed for 403 has also been executed in favour of the vendee as agreed upon vide Doc. No. 43724/2022 dated. 27.12.2022.

8. The Respondent further submitted that M/s Asritha Group has a good reputation in market and are known for their clean sales and sales procedures. As such they have all necessary approvals for residential projects and the complainant has given this Complaint with *mala fide* intent to make wrongful gain and is trying to malign the reputation of the Respondent Builder.

C. Observations & Directions of the Authority:

9. It is observed that, the Complainant, upon on its own submission admitted that he's neither an allottee, nor an agent or even a promoter or landowner in the subject Project. He merely seeks to bring to the notice of this Authority, certain actions being undertaken by the Respondent, which, allegedly, are in violation of the Act, 2016. In this regard, it is pertinent to note that Section 31 read with definition of 'person' under Section 2 (zg) of the Act, 2016, empowers any "aggrieved" person to file a complaint before this Authority for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be. However, it is nowhere substantiated as to how the

Complainant is an aggrieved person in the present scenario as, he did not admit to be an allottee/agent/promoter. In such circumstances, for the Complainant not having any *locus standi* to file the present complaint, the Complaint is dismissed.

10. If aggrieved by this Order, the parties may approach the TS Real Estate Appellate Tribunal (vide G.O.Ms.No.8, Dt.11-01-2018, the Telangana State Value Added Tax Appellate Tribunal has been designated as TS Real Estate Appellate Tribunal to manage the affairs under the Act till the regular Tribunal is established) as per Section 44 of the Act, 2016.

Sd/-

Sd/-

Sd/-

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Sri K. Srinivasa Rao,
Hon'ble Member,
TS RERA

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Sri Laxmi Narayana Jannu,
Hon'ble Member,
TS RERA

.....
Dr. N. Satyanarayana, IAS (Retd.),
Hon'ble Chairperson,
TS RERA

