

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

[Under the Real Estate (Regulation and Development) Act, 2016]

SUO MOTU CASE NO. D6/3162/2025

Date: 22nd December 2025

Quorum:

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

M/s Aditya Constructions Company India Pvt. Ltd.
29/A, Road No.5, Jubilee Hills,
Hyderabad, Telangana - 500033

...PROMOTER/RESPONDENT

Aditya Empress Towers

...PROJECT NAME

ORDER

The present proceedings have been initiated Suo motu by the Telangana Real Estate Regulatory Authority (hereinafter referred to as “the Authority”) under Section 35(1) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter “the RE(R&D) Act, 2016”). During the hearing of Complaint Nos. 275/2025/TG RERA and 276/2025/TG RERA dated 09.07.2025, filed under Section 31 of the RE(R&D) Act, 2016, against the Respondent in respect of the project “Aditya Capitol Heights”, the complainants brought to the notice of this Authority that the Respondent was also advertising, displaying, and projecting another development, namely “Aditya Empress Towers” situated at Shaikpet, Hyderabad.

2. Based on the information gathered and upon verification of the details available on the official website of the promoter/developer, M/s Aditya Constructions Company India Pvt. Ltd., it was observed that the said promoter was engaged in advertising and marketing the project titled “Aditya Empress Towers.” Further, the records available on the website of TG RERA revealed that the said project, being promoted by M/s Aditya Constructions Company India Pvt. Ltd., represented by its Director, Sri Thota Satyanarayana, has not been registered with TG RERA as mandated under the provisions of the RE(R&D) Act, 2016. Based on the above, the Hon'ble Authority directed the Secretary, TG RERA, to issue a Show Cause Notice to the promoter for contravention of Sections 3(1) and 4(1) of the RE(R&D) Act, 2016.
3. Accordingly, the Secretary TG RERA has issued a Show Cause Notice vide No. D6/3162/2025/TG RERA dated 04.08.2025, calling upon the above said promoter to explain to this Authority as to why the penal action under sections 59 and 60 of the RE(R&D) Act,

2016 should not be initiated against him for violation of Sections 3(1) and 4(1) of the RE(R&D) Act, 2016.

4. In response to the said Show Cause Notice No. 3162/2025 dated 04.08.2025, Sri T. Anirudh, purporting to be Director of “M/s Aditya Constructions Company India Pvt. Ltd.”, has submitted explanation in the form of reply dated 21.08.2025, stating that the project “Aditya Empress Towers” is a completed project and an Occupancy Certificate was issued by the competent authority in the year 2020. It is also submitted that all the flats in the project were sold prior to 2020, possession was delivered, and the allottees are in occupation of their respective apartments.

5. The Respondent has submitted that the Show Cause Notice was issued on the basis of a photograph taken from the company’s website, wherein the project was displayed under the category of completed projects. It has been contended that there is no ongoing advertising, booking, selling, or marketing activity in relation to the said project and that the information suggesting the project to be pending is incorrect. The Respondent has further submitted that there are no pending works in the project, that all sales were completed prior to the year 2020, and that the project does not fall within the purview of Section 3 of the RE(R&D) Act, 2016

6. However, as the Occupancy Certificate was not enclosed along with the reply, this Authority directed the Respondent to furnish the complete and authenticated OC documents to establish the veracity of the claim. Pursuant to the said direction, the Respondent submitted the block-wise Occupancy Certificates issued by the Commissioner, GHMC, Hyderabad, confirming completion of the project. The details of the certificates submitted are as follows:

- i. OC Proceedings No. 1/C18/03853/2020, dated 17.03.2020
- ii. OC Proceedings No. 1/C18/01289/2020, dated 31.01.2020
- iii. OC Proceedings No. 1/C18/01286/2020, dated 31.01.2020
- iv. OC Proceedings No. 1/C18/01287/2020, dated 31.01.2020
- v. OC Proceedings No. 1/C18/01288/2020, dated 31.01.2020

Observations of the Authority:

7. Upon examining the reply submitted by the Respondent and the material subsequently placed on record, this Authority notes that the initial explanation furnished by the Respondent did not include the requisite documentary proof to establish the factual completion status of the said project. Accordingly, the Respondent was directed to file authenticated records for verification. In compliance, the Respondent has produced block-wise Occupancy

Certificates issued by the competent municipal authority. Upon scrutiny of these certificates and the accompanying material, this Authority is satisfied that the project stood completed within the period reflected therein and that no activity indicative of ongoing construction, marketing, booking, or sale is discernible from the record.

8. This Authority notes that although the Respondent has submitted that the project Aditya Empress Towers was completed prior to commencement of the present proceedings, the Occupancy Certificates placed on record show that the statutory completion of the project was achieved only upon issuance of the block-wise Occupancy Certificates in January 2020 and March 2020. These certificates were obtained well after 01.05.2017, the date on which the RE(R&D) Act, 2016 came into force. Under Section 3(1) of the RE(R&D) Act, 2016, any project that was ongoing as on the commencement date and had not obtained a Completion Certificate or Occupancy Certificate was required to be registered with the Authority. However, at the relevant point of time, the definition of “ongoing project” under Rule 2(1)(j) of the Telangana Real Estate (Regulation and Development) Rules, 2017 created ambiguity, as it classified ongoing projects on the basis of building permissions obtained after enactment of the RE(R&D) Act, 2016.

9. In view of the language of the unamended Rule 2(1)(j), the Respondent could reasonably interpret that project for which building permission had been granted prior to the enactment of the RE(R&D) Act, 2016, did not fall within the category of “ongoing projects” requiring registration. It is upon issuance of Circular No. 607/2025/TGRERA dated 04.03.2025 and the simultaneous amendment to Rule 2(1)(j) through G.O.Ms. No. 60 dated 04.03.2025, that the position regarding “ongoing projects” is clarified unequivocally.

10. In these circumstances, the Respondent cannot be said to have acted in wilful disregard of the statutory mandate under Section 3(1) of the RE(R&D) Act, 2016. The omission to register the project must be viewed in the context of the contemporaneous legal framework and the ambiguity in the State Rules, which permitted a bona fide belief that no registration was required in respect of projects where permissions preceded enactment of the RE(R&D) Act, 2016.

11. Accordingly, this Authority is of the considered view that, although Aditya Empress Towers would, under the present clarified legal position, fall within the category of projects requiring registration, the Respondent cannot be held liable for non-registration at the relevant point in time. The authenticated Occupancy Certificates now placed on record, coupled with the absence of any material indicating ongoing sale or promotional activity, justify the

conclusion that penal action is not warranted. Hence, no penalty is imposed upon the Respondent under Sections 59 and 60 of the RE(R&D) Act, 2016.

12. However, the Respondent/Promoter and all other promoters are hereby cautioned that, in light of the amendment to Rule 2(1)(j) and the clarifications issued through G.O.Ms. No. 60 and Circular No. 607/2025/TGRERA dated 04.03.2025, all projects that did not possess an Occupancy Certificate as on 01.05.2017 are mandatorily required to be registered. Any deviation from the statutory mandate in future will invite strict action under the provisions of the RE(R&D) Act, 2016.

13. Accordingly, the Suo-motu proceedings are closed.

Sd/-

Sri. K. Srinivasa Rao
Hon'ble Member
TG RERA

Sd/-

Sri. Laxminaryana Jannu
Hon'ble Member
TG RERA

Sd/-

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

