

**BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY**

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

**Complaint No. 337 of 2025**

**Dated: 17<sup>th</sup> November 2025**

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

**Goje Santosh Kumar,**  
*1-4-276, Opposite reliance Trends,  
Shankar Vilas Center,  
Telangana- 508213*

**...Complainant**

**Versus**

**M/s Jayathri Infrastructures India Pvt Ltd**  
*Rep. by its Managing Director, Kakarla Srinivasa  
R/o: Plot No: 140/141,  
Eminent Plaza, 6th Phase KPHB colony,  
Kukatpally, Hyderabad - 500085*

**...Respondent**

The present matter, filed by the Complainant as mentioned hereinabove, was taken up for hearing on 09.09.2025 before this Authority. The Complainant appeared in person, whereas there was no appearance on behalf of the Respondent despite due service of notice. Accordingly, the matter was set ex parte. Upon hearing the submissions advanced by the Complainant and perusal of the material available on record, this Authority proceeds to pass the following **ORDER:**

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & 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") seeking appropriate relief(s) against the Respondents.

**A. Brief facts of the case as per the Form M filed by the Complainant:**

3. It was submitted that the Complainant had booked commercial spaces and/or apartments from the Respondent, M/s Jayathi Infrastructures Private Ltd., in a project known as "Western Galaxy." The project was stated to be located at Gopanpally Village,

Serilingampally Mandal, on Survey No. 361/20. It was further submitted that this booking was made as part of a "pre-launch" offer.

4. It was stated that the Complainant paid amounts to the Respondent and entered into Memorandums of Understanding (MoU) for the said unit. The Complainant, alleged that he had paid the entire sale consideration amount for their respective units.

5. However, it was contended that, to date, the Respondent has completely failed to even initiate construction at the promised project site.

6. The Complainant alleged that the Respondent has since "absconded" and has not been reachable to the allottees of the project for the past two years.

7. It was also submitted that a criminal case was booked against the Respondent at the KPHB Police Station, which resulted in the Respondent being sent to custody. The Complainant stated that the Respondent is presently out on bail.

8. The Complainant stated that on various occasions, they have tried to approach the Respondent company to seek a refund of the amount paid, along with interest; however, it was alleged that no efforts have been made by the Respondent to resolve the matter or provide the refund.

### ***B. Reliefs Sought***

9. Accordingly, the Complainant has sought for the following relief:

- i. Respondent to refund the amount along with interest.*

### ***C. Points for Consideration***

- I. Whether the Complainant is entitled to the relief sought?

### ***D. Observations of the Authority***

10. This Authority notes that over 30 similar complaints have been filed against the same Respondent concerning the same project. In prior proceedings, the Respondent's counsel submitted that due to non-compliance with the Agreement of Sale entered into with Sri M. Laxmi Kanthai and Sri V. Gowrith on 25.03.2021, a portion of the project land is under litigation before the Hon'ble Supreme Court, thereby preventing the commencement of the project. Consequently, the said project has not been registered under RERA. In Complaint No. 1037 of 2023 & batch matters, this Authority directed an inspection of the concerned project site through the Engineering Staff College of India (ESCI) vide Letter No. 1458/2023/TSRERA

dated 10.10.2023. According to the ESCI report (ESCI/PD/TSRERA/07/2023-24) dated December 1, 2023, the project site remains vacant with no progress. There is no evidence to establish the Respondent's ownership or legal authority to undertake the project.

11. Further, this Authority has previously imposed a penalty of Rs. 36,70,000/- for contravening section 3 of the RE(R&D) Act, 2016, on the Respondent in Complaint No. 1037 of 2023 & batch matters, dated 12.08.2024. This Authority has further declared **Jaya Group and Mr Srinivas Kakarla (the Managing Partner of M/s Jayathri Infrastructures India Pvt Ltd) as DEFAULTERS through its order in Case nos. 113 of 2024 and 247 of 2024 dated 05.08.2025** for continuous and blatant violation of the provisions of the Act.

12. Now moving on to the complaint on hand, the record clearly indicates that despite due service of notice through personal service, the Respondents have failed to appear before this Authority, nor have they filed any written response or made any representation to contest the allegations made by the Complainants. Such persistent non-appearance and failure to respond, despite repeated opportunities afforded, demonstrate a deliberate disregard for the proceedings of this Authority. Therefore, after being satisfied that due process was duly followed and all procedural requirements were complied with, this Authority was constrained to proceed ex parte against the Respondents by order dated 09.09.2025.

13. In the present case, the Complainant has placed on record receipts totalling Rs. 22,00,000/- (Rupees Twenty Two Lakh Only) paid towards booking of a commercial unit in the project "Western Galaxy." It is observed that the Respondent has neither commenced any construction activity nor taken any steps toward execution and delivery of the said unit. The Respondent has failed to fulfil the obligations undertaken and has not made any effort to address the concerns raised by the Complainant. Thus, the Complainant has been deprived of the value of the investment made.

14. Section 18(1) of the Act provides that if a promoter fails to complete or is unable to give possession of an apartment or commercial space as per the terms of the agreement, the allottee has an unqualified right to seek a refund of the paid amount along with interest.

15. The provision for refund with interest applies when the promoter fails to complete the project and the allottee wishes to withdraw. The allottee is entitled to interest to safeguard their interests if the promoter fails to perform their obligations and is unable to hand over possession.

16. Attention is drawn to the decision of the Hon'ble Supreme Court of India in ***Civil Appeal Nos. 3581-359 of 2022, Civil Appeal Diary No. 9796/2019, M/s Imperia Structures Limited vs. Anil Patni & Others***, wherein it was held:

*"In terms of Section 18 of the RERA Act, if a promoter fails to complete or is unable to give possession of an apartment by the date specified in the agreement, the promoter would be liable, on demand, to return the amount received in respect of that apartment if the allottee wishes to withdraw from the project. Such a right of the allottee is 'without prejudice to any other remedy available to him'. This right is unqualified, and if availed, the deposited money must be refunded with interest as prescribed. The proviso to Section 18(1) contemplates that if the allottee does not intend to withdraw from the project, they are entitled to interest for every month of delay until possession is handed over. The allottee may proceed under Section 18(1) or the proviso thereto."*

17. Similarly, in ***Civil Appeal Nos. 6745-6749 of 2021, M/s Newtech Promoters and Developers Private Limited vs. State of UP & Others***, the Hon'ble Supreme Court observed:

*"Section 18(1) of the Act spells out the consequences if the promoter fails to complete or is unable to give possession of an 9 of 10 apartment, plot, or building in terms of the agreement for sale. The allottee/home buyer holds an unqualified right to seek a refund of the amount with interest as prescribed."*

18. Based on the records available, the averments made by the Complainant, and the history of the Respondent's violations, it is evident that the Respondent has kept several complainants on hold for years by making false assurances regarding the registration of commercial spaces in their names. It is pertinent to note that M/s Jayathri Infrastructures has consistently violated the Act by misleading the public in multiple projects, thereby demonstrating mala fide intent.

19. Therefore, considering the aforementioned case laws and the provision of Section 18 of the RE(R&D) Act, 2016 this Authority is of the opinion that the Complainant, having invested a substantial sum in anticipation of acquiring the allotted commercial space, has been wrongfully deprived of their rights due to the Respondent's absolute failure to execute the project. Consequently, the Complainant is entitled to the relief sought, which includes a full refund of the amount paid along with applicable interest.

20. The Respondent is directed to refund the entire amount paid by the Complainant i.e., Rs. 22,00,000/- (Rupees Twenty Two Lakh Only) as per the receipts placed on record, along with interest at the rate prescribed under Rule 15 of the Telangana Real Estate (Regulation and Development) Rules, 2017, i.e., the State Bank of India's highest MCLR + 2% per annum, calculated from the respective dates of payment made by the Complainant until the date of actual refund by the Respondents.

***E. Directions of the Authority***

21. In accordance with the discussions made above, this Authority, vide its powers under Sections 37 and 38 of the RE (R&D) Act, 2016, issues the following directions to the Respondents:

- i. The Respondents are directed to refund the entire amount of Rs. 22,00,000/- (Rupees Twenty-Two Lakh Only) along with interest at the rate of 10.75% per annum (SBI MCLR of 8.75% + 2%) calculated from the respective dates of payment made by the Complainant until the date of actual refund by the Respondents, within 30 (thirty) days from the date of receipt of this order.
  - ii. Failing to comply with the above direction by the Respondents shall attract penal action in accordance with Section 63 of the RE(R&D) Act, 2016.
22. In view of the above, the present complaint is disposed of. No order as to costs.

**Sd/-**  
**Sri K. Srinivasa Rao,**  
**Hon'ble Member,**  
**TG RERA**

**Sd/-**  
**Sri Laxmi Narayana Jannu,**  
**Hon'ble Member,**  
**TG RERA**

**Sd/-**  
**Dr. N. Satyanarayana, IAS (Retd.),**  
**Hon'ble Chairperson,**  
**TG RERA**