

**BEFORE THE ADJUDICATING OFFICER,
TELANGANA REAL ESTATE REGULATORY AUTHORITY,
HYDERABAD.**

Dated, this the 20th day of DECEMBER, 2024.

Present:- Sri Syed Lateef-ur Rahman,
Adjudicating Officer.

C.C.P.No.12/2024/TG RERA

Between:

- 1) S.Pradeep Kumar S/o SKN Mani Kumar (late), R/o Flat No.531,
5th Block, Janapriya Quarters, Mohan Nagar, Kothapeta,
Saroornagar, Ranga Reddy District 500 035.
- 2) Sri M. Mahesh Kumar S/o late M.Subbarayudu, H.No.1-2-236/25/A,
Road No.6, SRL Colony, Kothapeta, Hyderabad – 35.

...Complainants.

and

- 1) **M/s.Bhuvanteza Infra Projects Pvt.Ltd. Corporate office, H.No.201, 2nd Floor, Lumbini Amrutha Chambers, Nagarjuna Circle Road 3, Banjara Hills, Hyderabad, rep., by its Managing Director** Sri Chekka Venkata Subramanyam, R/o H.No.15-31, RTP-1, Flat-406, Rain Tree Park, Malaysia Township near Club House, Kukatpally, Hyderabad 500072.
- 2) Sri Chekka Venkata Subramanyam, Flat No.C-110, Jayabheri Orange County, Road No.2, Financial District, Nanakramguda, Telangana 500 032.
- 3) Smt.Chekka Bhagya Laxmi W/o Chekka Venkata Subramanyam, R/o H.No.15-31, RTP-1, Flat-406, Rain Tree Park, Malaysia Township near Club House, Kukatpally, Hyderabad 50007.
- 4) Sri Jerripothula Phani Bhushan Rao S/o late Rama Rao, R/o 1-1-401/1/1, Flat No.401, Sirish Enclave, Gandhi Nagar, near Andhra Café, Hyderabad 500 080.

...Respondents.

This complaint came up for hearing before me on 17.12.2024 in the presence of complainants in person and after hearing and having stood over for consideration till this day, the following order is passed:

ORDER

The present complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as “the Act”) read with Rule 35 of the Telangana State Real Estate (Regulation and

Development) Rules, 2017 (hereinafter referred as “the Rules”) to grant compensation.

2. It is the case of the complainants that on 04.08.2021 they entered into an agreement of sale with Respondent M/s.Bhuvanteza Infra Projects Pvt. Ltd. for purchase of a flat in the Project named “HAPPY HOMES Phase-2” bearing Flat No.G-15, D Block, measuring 1280 Sft. situated at Shamirpet village and Mandal, Medchal Malkajgiri District and the said flat was to be handed over by December, 2023. Even after agreement, the Project construction was considerably delayed and the Respondents stated that Project was cancelled due to Government permissions and they focused them to move from Happy Home Phase-2 to Happy Home Phase-1, which is also situated at Shamirpet village and Mandal. The respondents stated that the Happy Home Phase-1 units are only 1220 and 1380 Sq.ft. and the complainants need to pay an additional amount of Rs.5,00,000/- for a new flat and Flat No.313, Block B with 1220 Sq.ft. was allotted to the complainants and hiked Sq.ft. price by Rs.300/-. When the complainants tried to ask the respondents regarding delay, the respondents did not respond. The delay in possession caused severe hardship as they had to pay both rent for residence and EMI for the home loan obtained. The complainants apprehend that the respondents may cause diversion of funds on account of delay in completion of the project against the interests of the buyers of the flats. The uncertain delay caused severe psychological stress to the complainants and their family members. As such, the complainants filed present complaint seeking compensation of Rs.21,76,000/- which

includes interest @ 10% and compensation for mental harassment and agony etc.

3. On registration of the complaint, notices were issued to the respondents at the addresses furnished in the complaint number of times. But, the notices could not be served properly. At last, the case was adjourned for steps to enable the complainants to file petition to order publication of notices in news paper for substituted service.

4. Later, when the matter was adjourned, the complainants have filed a memo stating *inter alia* that due to inadvertence, they have made four persons as respondents and made Respondent Nos.3 and 4 without describing their role and description and how they are related to Respondent Nos.1 and 2 and also could not claim the amount of compensation in detail. It is also stated in the memo that they have also filed another complaint under Form-M before the Hon'ble RERA Authority seeking refund of amount and other reliefs and the same is reserved for orders. Therefore, the complainants requested this Authority to permit them to withdraw this complaint with a liberty to file fresh complaint with comprehensive facts and appropriate reliefs.

5. Now the Point for consideration is:

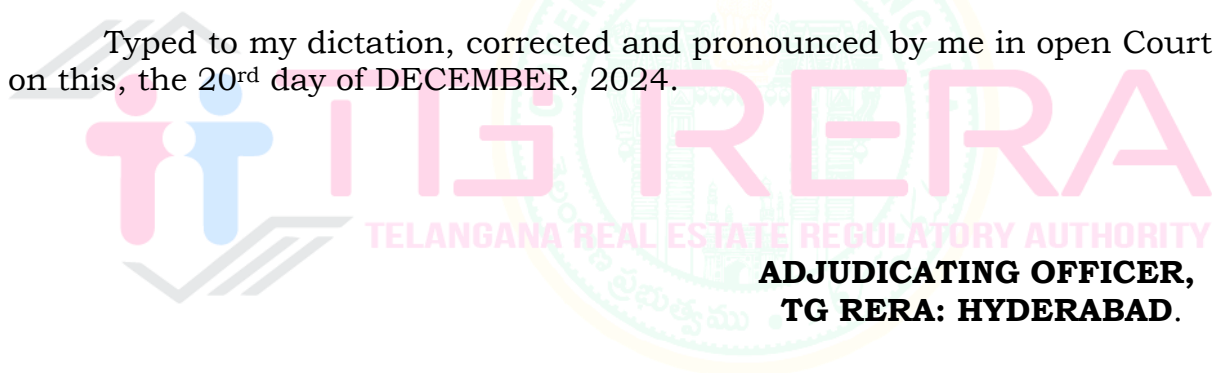
Whether the complainants can be permitted to withdraw the complaint with a liberty to file fresh complaint as prayed?

6. **POINT:**

Perused the memo. In the facts and circumstances mentioned in the memo filed by the complainants as referred above, this Authority is of the opinion that there is no legal impediment in allowing the memo permitting the complainants to withdraw the complaint with a liberty to file a fresh complaint. Accordingly, it is held that the memo has merits and deserves to be allowed.

7. In the result, the complaint is disposed off as “withdrawn” allowing memo permitting the complainants to file a fresh complaint, as they are so advised. No costs.

Typed to my dictation, corrected and pronounced by me in open Court on this, the 20rd day of DECEMBER, 2024.



**APPENDIX OF EVIDENCE
NIL**

**ADJUDICATING OFFICER,
TG RERA: HYDERABAD.**

Compared by: