

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

COMPLAINT NO.642 OF 2022

30th Day of October, 2023

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

Smt. G. Aparna

...Complainant

Versus

1. Sri R. Nanda Kishore
2. Smt. Nirosha
3. Sri Sai Kumar

...Respondent

The present matter filed by the Complainant herein came up for hearing on 18.10.2023 before this Authority in the presence of the Complainant in person, and Sri R. Nanda Kishore, Respondent No.1 also representing Respondent Nos.2 & 3 and upon hearing the arguments of both 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.

3. The Complainant alleges illegal construction being undertaken by the Respondents in Plot No.8/1 in Sy.No.48, bearing H. No.2-2-2/8 and 2-2-3/3/8/A, situated at Prashanth Nagar, Vidyanagar Extension, Hyderabad in the net plot area of 224.26 sq mtrs. In this regard, it is pertinent to note that Section 3 of the Act provides that no registration of the real estate project shall be required where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight

inclusive of all phases. As the subject property is net plot area of 224.26 sq mtrs, the same does not fall within the jurisdiction of this Authority. Vide Notice dated 19.09.2023, this Authority directed the Complainant to approach the appropriate local authority for resolving the complaint, in light of the said provision.

3. Vide letter dated 18.10.2023, when the matter was called for hearing, the Respondent submitted that the present matter does not fall within the jurisdiction of RERA and therefore, requested to close the complaint. The same is taken on record.

4. As the relief sought for by the Complainant is not maintainable before this Authority in light of Section 3(2) of the RE & RD Act, 2016, the matter is disposed of.

5. 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) within 60 days from the date of receipt of this Order

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

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

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