

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

I.A. No.27/2025
in
Complaint no. 96 of 2025
7th April 2025

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

BETWEEN

M/s. Aparna Constructions and Estates Private Limited,

(Registered office at #802, Astral Heights, D. No. 6-3-352/2&3, Road No. 1, Banjara Hills, Hyderabad-500034.)

...Complainant

Versus

1. Guthula Bhavani

(W/o. Sri. Guthula Sriram, Aged about 33 years, Occ: Housewife, R/o. Flat No. 205, Block - K, Aparna Serenity, Sy. No. 25/1, Petbasheerabad Village, Quthbullapur Mandal, Medchal-Malkajgiri, District – 500100)

2. Guthula Sri Ram

(S/o. Balaram Murthy, Aged about 46 years, Occ: Business, R/o. Flat No. 205, Block - K, Aparna Serenity, Sy. No. 25/1, Petbasheerabad Village, Quthbullapur Mandal, Medchal-Malkajgiri District – 500100)

...Respondent(s)

The present Interim application filed by the Complainant herein came up for hearing on 03.04.2025 before this Authority in the presence of Counsel for Complainant, M.V. Durga Prasad, B. Venkateswar Rao, Syed Adil Ahmad Quadri and Counsel for Respondents, Sri Yogesh Gir and R. Ranjeetha and upon hearing arguments on both sides, this Authority passes the following **INTERIM ORDER:**

3. The Complainant filed the present Interim Application under Section 36 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the “Act, 2016”) seeking Interim Directions from the Authority to maintain the *status-quo*.
4. During the course of hearing, the Complainant submitted that Respondent No. 1 & 2 has entered into a registered Development Agreement cum General Power of Attorney bearing Document as No. 11933/2019, dated on 02.05.2019, for land admeasuring 27 acres and 39.6

guntas in Survey No. 25/1, Petbasheerabad Village, Medchal-Malkajgiri District. The Complainant applied to the GHMC for permission to construct high-rise residential apartments, which was granted under File No. 1/C25/22775/2019 and Permit No. 1/C25/09351/2020 dated on 02.09.2020. A RERA registration certificate was obtained on December 17, 2020, under the name "Aparna Serenity." The project received its Occupancy Certificate from the GHMC dated on 01.12.2023, documented as Proceeding No. 4567/GHMC/KPL/2023-OC.

5. The Respondents purchased Flat No. 205 from the Complainant under a registered Sale Deed and Construction Agreement, both dated October 31, 2023. The keys to the apartment were handed over on November 23, 2023. The Respondents are bound by the terms of these agreements and a Development Agreement cum General Power of Attorney dated May 2, 2019, along with the GHMC's permission for high-rise residential construction. According to Clause 15.1 of the Agreement of Sale, the Respondents must not make alterations or additions to the property and must keep the walls and partitions in good condition. Any changes to the building require prior permission from the Commissioner per Section 433 of the GHMC Act, which prohibits alterations that involve removing or re-erecting any external or supporting walls.

6. The Complainant also submitted that as per the provisions of the RE(R&D) Act, Clause 12 of the Agreement of Sale states that the Complainants are liable for structural defect of the building for a period of 5 years from the date of completion of the project. If the respondents or any flat owners continue with the alterations/modifications which may weaken the structure, there is every possibility it will cause damage to the structure and the same may effect the structural safety of the building and also endangers the residents living therein. In fact the other flat owners are objecting for the alterations carried out by the respondents. Additionally, while the Complainant's employees raised valid concerns and filed a complaint with the Petbasheerabad police station, it went unregistered. Instead, a false case was filed against them based on misleading claims from the respondents.

7. The Respondents, despite having been granted two opportunities by this Authority to file their reply or make submissions in response to the allegations made by the Complainant, failed to submit a counter. Instead, they sought further adjournments and submitted that an undertaking may be furnished by them before this Authority, stating that no further altercations would be initiated by the Respondents until the next date of hearing.

8. This Authority has perused the material on record and the contentions raised by the

complainant thereto. Having perused the documents placed on record, this Authority is of the view that *prima facie* there exists a apprehension regarding the structural safety of the building owing to the alleged alterations being carried out by the Respondents and finds that the arguments presented by complainant holds merit. The balance of convenience favors the Complainant, as their safety and well-being are at risk. Granting the interim relief sought would not cause any undue hardship to the Respondents.

9. Given the nature of the complaint and in the interest of preventing any further deterioration to the building structure or potential risk to its occupants, it is just and necessary to maintain the *status quo* till the final disposal of the present matter.

10. The Respondents are specifically restrained from making any further alterations or structural modifications in violation of the sanctioned plan and the governing agreements. This authority hereby directs the Respondent to maintain *status quo* with respect to Flat No. 205 until the final disposal of the present complaint. Any action in breach of these directions shall be viewed seriously and will attract appropriate legal consequences under the provisions of the Real Estate (Regulation and Development) Act, 2016.

11. Accordingly, in view of the above directions, I.A. No.27/2025 is allowed.

12. Posted this matter for the next hearing on 25.04.2025.

Sd/-

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

Sd/-

**Sri. Laxmi NaryanaJannu,
Hon'ble Member
TG RERA**

Sd/-

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