

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

**COMPLAINT NO.87 OF 2023**

**3<sup>rd</sup> Day of November, 2023**

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

Prithika Thakur ...Complainant

Versus

1. Sri Tejvangir  
2. Sri Ramesh Sharma ...Respondents

The present matter filed by the Complainant herein came up for hearing on 03.10.2023 and 02.11.2023 before this Authority in the presence of Sri Bhaskar, Advocate for Respondent Nos.1 & 2, and none for the Complainant, and upon hearing the arguments, 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.

**A. Brief facts of the case:**

3. The Complainant submitted that the Respondents have, illegally, without any title and permission from the concerned authorities for layout, are trying to sell the plots situated at H.No.14-2-334, 334/1, Gyanbagh Colony, Goshamahal, Shahinayath Gunj, Hyderabad to an extent of 12,643 sq yds to innocent

purchasers despite there being a Civil Suit bearing O.S. No.470/2019 pending adjudication before Addl. Chief Judge, City Civil Court, Hyderabad. Accordingly, she prayed to take necessary action against the Respondents and to direct the concerned sub-registrar not to allow any registrations in respect of the subject property.

4. The Complainant, along with the Complaint, filed a Memorandum of Understanding dated 21.07.2022 wherein the Respondent No.1 and Respondent No.2 entered into an MOU whereby Respondent No.1 appointed Respondent No.2 as Sole Selling Agent in respect of Property bearing Municipal No.14-2-335 (14-2-335/1) admeasuring approximately 45,974 sq mtrs.

**B. Reply on behalf of the Respondent:**

5. Accordingly, vide Notice dated 04.04.2023, served upon the Respondent, this Authority directed the Respondent to submit a reply in terms of Rule 34 (1) & (2) of the Rules, 2017 along with such other information with regard to the Project.

6. Consequently, vide Reply dated 08.05.2023, the Respondent submitted even as per the Complainant there is civil suit pending in O.S.No.470/2019 on the file of II Additional Chief Judge, City Civil Court, Hyderabad, and the matter is seized of before a competent civil court. It is clear that after failing to get any favourable order from the court, the Complainant had approached this Hon'ble Authority to circumvent the provision of law and courts and by misleading this Hon'ble Authority got issued present notice. He submitted that the Complainant needs to first produce proof of her having legally acceptable right and title and consequently denied all allegations made in the complaint. He added that he is not concerned

with property bearing H.Nos. 14-2-334 and 334/1, Gyanbagh Colony, Shainayat Gunj, Hyderabad.

7. As per the Respondent, the Complainant cannot have even a scrap of paper connecting her to the property being claimed by her and in the absence of the same, her complaint ought to have been rejected out rightly at the threshold instead of entertaining the same. It has also not been stated as to which provision of the statute has been violated by the Respondent, as alleged.

8. Respondent submitted that he has not made any plotting of any property and the allegations thereof are false, baseless and far away from truth, and thereby requested this Authority to drop the proceedings and close the complaint.

**E. Observations and Directions of the Authority:**

9. The matter was called for hearing on 03.10.2023 and again on 02.11.2023, wherein the Respondent Nos.1 & 2 appeared through Counsel Sri Bhaskar. Notice was incomplete on the Complainant on both occasions on the note that “address could not be located” and again that “no such person in the said location”. Counsel for Respondent reiterated the contents of his Reply and submitted that the present complaint is not maintainable.

10. A careful perusal of the record shows that no construction activity is being undertaken by the Respondent No.1 and Respondent No.2 is only appointed as Sole Selling Agent in respect of property situated at No.14-2-335 (14-2-335/1), whereas the Complainant is concerned about the property situated at H.Nos. 14-2-334 and 334/1, Gyanbagh Colony, Shainayat Gunj, Hyderabad, which are different. As the Complainant failed to produce any averment or document to allege violation of any

provision under the Act, 2016 or the Rules, 2017, it cannot be said that the Respondents are in breach of the Act or the Rules.

11. The matter is disposed of on the above terms.

12. 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**