

BEFORE TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY

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

COMPLAINT NO. 255 of 2025

Dated: 01st December 2025

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

Between

Maganti Srikanth

*(R/o. Flat 202, Trident Ramsaroj Apartments
Teachers colony, East Marredpally,
Secunderabad Telangana – 500026)*

...Complainant

Versus

M/s Chalamala Infra

*(Rep by Sri Chalamala Madhava Babu)
(R/o. Plot No. 195, Road No. 13, Jubilee Hills,
Hyderabad, Telangana)*

.... Respondent

The present matters filed by the Complainant herein came up for hearing before this Authority in the presence of the Complainant in person and Respondent in person, upon hearing submissions made by both parties, this Authority proceeds to pass the following ORDER:

2. This 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”), seeking appropriate action against the Respondents.

3. The Complainant submitted that he entered into an Agreement of Sale dated 30.12.2022 with the Respondent for the purchase of Flat No. 301, Second Floor, in the project titled “Chalamalas Velaga Prasadam,” admeasuring 1435 sq. ft. (including 100 sq. ft. of car parking) with a UDS of 44.4 sq. yds., situated in Plot No. 51, Sy. Nos. 17, 18, 21 and part of 22, Yellareddyguda, Hyderabad. He states that he paid a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) as token advance. The Complainant contends that the Respondent had assured

delivery of possession within 18 months. However, upon verification, he noticed that the sanctioned plan had been altered to provide for two units per floor, contrary to the approved plan. Owing to this deviation, his housing loan application with SBI was rejected on 24.04.2024 due to inconsistencies between the sanctioned plan and the ongoing construction.

4. The Complainant further states that despite repeated requests to either refund the advance or adhere to the sanctioned plan, the Respondent did neither. On obtaining the Encumbrance Certificate, the Complainant discovered that the very unit allotted to him, i.e., Flat No. 301, had been sold and registered in favour of a third party, one Sri Sanaka Sita Rama Anjaneyulu, under Document No. 7804/2024, SRO Banjara Hills. Despite multiple reminders, the Respondent failed to respond, which the Complainant alleges amounts to fraud, breach of trust, and violation of agreed terms. The Complainant therefore approached this Authority seeking refund of the paid amount along with interest and compensation.

5. The Respondent filed a reply statement wherein it admitted receipt of Rs. 20,00,000/- as advance towards booking of the said flat. It is the Respondent's case that the Complainant was clearly informed that in case of cancellation, the advance would be refunded only upon sale of the said unit to a third party. Owing to non-payment of instalments by several purchasers, the Respondent claims to have faced financial constraints and therefore raised private finance by offering certain flats, including Flat No. 301, as security. The Respondent alleges that the Complainant was fully aware of these circumstances.

6. The Respondent further submitted that it is ready and willing to hand over possession of Flat No. 301 upon receipt of the balance sale consideration. It is also stated that the Complainant has not submitted any written cancellation request to date, and if such cancellation is submitted, the Respondent undertakes to refund the advance amount, without interest, within 60 days from the date of cancellation.

7. It is recorded that during the proceedings, both parties filed a Joint Memo of Settlement.

8. However, upon examination of the documents placed before this Authority, including the approved building permission bearing File No. 011213/GHMC/5514/KHB2/2022-BP dated 13.02.2023, it is observed that the project "Chalamalas Velaga Prasadam" consists of stilt plus four floors, with one residential unit per floor. The total plot area is 371.55 sq. metres, which is below the statutory threshold of 500 sq. metres, and the total number of units is fewer than eight.

9. In terms of Section 3(2) of the RE(R&D) Act, registration under the Act is not required where the area proposed to be developed does not exceed 500 sq. metres or the number of apartments proposed does not exceed eight. Consequently, the project in question falls outside the regulatory ambit of the Real Estate (Regulation and Development) Act, 2016, and therefore outside the jurisdiction of this Authority.

10. In view of the above statutory position, this Authority holds that it lacks jurisdiction to adjudicate the present dispute on the merits.

11. Accordingly, the Complaint is dismissed for want of jurisdiction. The Complainant is at liberty to pursue appropriate remedies before a competent forum, in accordance with law.

12. Accordingly, the Complaint stands dismissed.

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

