

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

COMPLAINT NO.956 OF 2023

25th 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

Sri D. N. Sridhar ...Complainant

Versus

M/s Vision Pride Infra Services ...Respondent

The present matter filed by the Complainant herein came up for hearing on 22.11.2023 before this Authority in the presence of the Complainant in person, and none for the Respondent despite notice served on him, 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.

3. The Complainant alleges that the Respondent is cheating the public in the name of lucky draw and club membership for holidays, etc. The Complainant entered into a Membership Purchase Agreement for Holidays and Club Membership with the Respondent on 18.07.2019. In this Agreement, it is portrayed that "*Vision Pride Infra Services & Developers is providing services in affiliated clubs, hotels, resorts and marketing club and holiday membership*". Subsequently, the Respondent also issued "Plot Purchase Letter" to the Complainant. The Complainant initially paid an amount of

Rs.50,000/- and balance Rs.2,00,000/- towards Plot Purchasing Agreement. It is stated in the Letter that *“The company hereby allotted you a piece of land/plot admeasuring 110 sq.yds. as complimentary i.e., free of cost (without consideration) with this membership”*. It is also mentioned that *“the company will only transfer/assign/or register the said Plot Admeasuring 110 sq yds as above only after receipt of full payment of purchase price”*.

4. Further, *“registration and development charges will be paid extra by member i.e., Rs.35,000/- and shall be accepted by member to get the complete original documents (sale deed) registered on member’s name.”* The said Plot is situated at Sy. No.239 at Sharajipet Village, Alair Mandal, Yadadri Bhongiri District Telangana State 508101.

5. Thereafter, the Respondent also registered a Sale Deed on 06.07.2021 being open plot bearing Nos.66 & 67 admeasuring an extent of 252 sq yds or 210 sq mtrs in *“Vision Avenue Phase – II”* and whereas the encumbrance certificate also confirms the Complainant as owner for Plot Nos.66 & 67 at Sr. No.31/85. In this regard, the Complainant prays that appropriate action may be taken against the Respondent for not obtaining any permission from competent authority and RERA and for selling plots.

6. After perusal of documents, more specifically the registered Sale Deed dated 06.07.2021 bearing Document No.13933/2021 of SRO Yadagirigutta, it is understood that the land, so registered in favour of the Complainant, is an agricultural land bearing Survey No.235 $\frac{3}{4}$ admeasuring an extent of Ac. 2-38 gts. situated at Sharajipet Village, Alair Mandal, Yadadri Bhongir District. The said Respondent has made an unauthorized layout consisting of open plots which falls under agricultural land use. The Complainant has not produced any document to establish that the said land has been converted by virtue of an N.A. permission or an order granted by competent Authority to develop the same.

7. The definition of a real estate project, as defined under Section 2(zn), entails the development of land into plots or apartments. In the context of agricultural land, obtaining requisite permissions is imperative to classify it as a real estate project. Adherence to such a requirement is also deemed crucial in light of the obligations outlined in Section 11(4) pertaining to the responsibilities of a promoter, as well as Section 4, which mandates the submission of specific documents and permissions essential for the registration of the project under Section 3 of the Act. However, the Complainant has not substantiated that the subject land possesses all necessary N.A. or other permissions for its development and registration as a real estate project under the Act.

8. Therefore, as the Complainant failed to bring any material on record to prove the land being converted for development and since no permission has been sought by the Respondent for the development by the competent authority subsequently, it cannot be said that the said project comes within the purview of this Authority.

9. In view of what is stated above and in view of the observations of the Maha RERA Appellate Tribunal in Appeal No.U-21 in SC10000227 titled "*Mohammad Zain Khan vs. M/s Enmoy Properties India & Ors.*" Dated 09.01.2019, it is held that the Authority has no jurisdiction to entertain the issue involved or raised by the Complainant. As such, the Complaint is liable to be dismissed. In the result, the Complaint is dismissed as not maintainable and for want of jurisdiction.

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