

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

I.A. Nos. 14 & 15 of 2024

in

Complaint Nos. 623 & 624 of 2023

Date 12th August 2026

Quorum: Sri K. Srinivasa Rao, Hon'ble Member

1. Smt. Erranki Santhoshi Priya &

2. Sri Erranki Srinivas

...Applicants/Complainants

Versus

M/s. Abacus Real Estate Private Limited

(formerly M/s. Abacus Constructions)

Represented by its Authorised Representative

...Respondent

The present I.A. Nos. 14 & 15 of 2024 filed by the Applicants herein came up for hearing before this Authority, wherein learned Counsel for the Applicants and learned Counsel for the Respondent appeared. Upon hearing the submissions of both parties and upon consideration of the material available on record, this Authority passes the following

ORDER:

2. The Applicants submit that this Authority, vide common order dated 01.08.2024 passed in Complaint Nos.623 & 624 of 2023, directed the Respondent to modify the Draft Agreement of Sale in accordance with the Draft Agreement available on the TG RERA Website and Annexure to Rule 38, imposed penalty under Section 61 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the RE(R&D) Act, 2016") for violation of Section 13 of the RE(R&D) Act, 2016 and further observed that, as no Agreement of Sale had materialised between the parties, the complainants were at liberty to seek refund of the amounts paid by them without cancellation charges. The Applicants contend that instead of complying with the said order, the Respondent unilaterally cancelled the allotments of the subject flats vide letters dated 26.08.2024 and refunded the booking amounts, though no such direction was issued by this Authority.

3. The Respondent, in their reply dated 02.09.2024, submitted that they have duly complied with the common order dated 01.08.2024 by remitting the penalty imposed by this Authority and by refunding the booking amounts to the respective Applicants. It was further submitted that the refund of the booking amounts constitutes due compliance with the directions issued by this Authority and, therefore, no further directions remain to be complied with. Accordingly, the Respondent prayed that the present I.A. Nos.14 & 15 of 2024 are liable to be dismissed.

Observations of the Authority:

4. This Authority has carefully considered the rival submissions and perused the material available on record. The principal relief sought in the present applications is the enforcement and implementation of the common order dated 01.08.2024. Therefore, the present proceedings are, in substance, execution proceedings seeking enforcement of an order passed by this Authority.

5. It is pertinent to note that Section 40 of the the RE(R&D) Act, 2016 provides for enforcement of the orders, decisions and directions passed by the Authority in the manner prescribed. In exercise of the powers conferred under Section 85 of the RE(R&D) Act, 2016, this Authority has notified the Telangana Real Estate Regulatory Authority (Execution Proceedings) Regulations, 2025, prescribing a comprehensive procedure for institution and adjudication of execution proceedings. Regulation 4 provides that every execution proceeding shall commence by filing an Execution Application in Form-I in accordance with Order XXI Rule 10 of the Code of Civil Procedure, 1908. Regulation 5 further prescribes the manner in which such an application shall be presented before this Authority, together with the prescribed particulars and documents.

6. Once a specific procedure has been prescribed for invoking the execution jurisdiction of this Authority, the same is required to be uniformly followed by every decree-holder seeking enforcement of an order passed by this Authority. The prescribed procedure cannot be substituted by filing an interlocutory application or any other miscellaneous application. Acceptance of execution proceedings in different procedural forms would defeat the very object of the Execution Proceedings Regulations, 2025, which have been framed to ensure uniformity, certainty and effective implementation of the orders passed by this Authority.

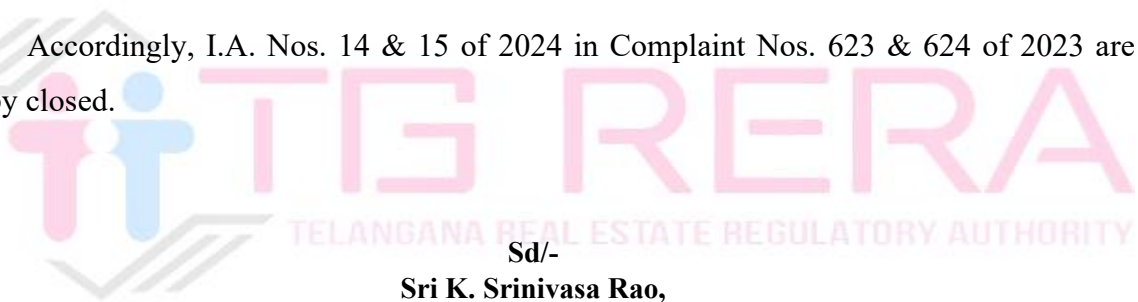
7. In the present case, although the Applicants seek implementation of the common order dated 01.08.2024, the relief has been sought through the present Interlocutory Applications and

not by invoking the execution jurisdiction in the manner prescribed under the Telangana Real Estate Regulatory Authority (Execution Proceedings) Regulations, 2025. Therefore, these applications cannot be proceeded with as execution proceedings.

8. This Authority has refrained from examining the merits of the rival contentions regarding the Respondent's subsequent action in issuing the termination letters dated 26.08.2024 and refunding the booking amounts or whether such action constitutes compliance with the common order dated 01.08.2024. All such questions are to be urged by the parties in appropriate execution proceedings instituted in accordance with the Telangana Real Estate Regulatory Authority (Execution Proceedings) Regulations, 2025.

9. This Authority further observes that, henceforth, any party seeking execution or enforcement of an order, decision or direction passed by this Authority shall invoke the execution jurisdiction only by filing an Execution Application in the prescribed Form-I under the Telangana Real Estate Regulatory Authority (Execution Proceedings) Regulations, 2025, together with the particulars and documents prescribed therein.

10. Accordingly, I.A. Nos. 14 & 15 of 2024 in Complaint Nos. 623 & 624 of 2023 are hereby closed.



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