

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

COMPLAINT NO.56 OF 2023

3rd 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 Mohd. Mohiuddin ...Complainant

Versus

M/s Sri Sai Projects ...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 Adepu Nagaraj on behalf of the Respondent Builder/Developer, 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 the Complainant and another person Sri.V. Ramanuj Chary have jointly agreed to sell the open plots bearing Nos.814, 815 and 816, type-B, in Sy. No 202 admeasuring 600 Sq.yds. situated at Sri Ramnagar Colony, Kondapur village, Serligamepally Mandal, Ranga Reddy District for the sale consideration of Rs. 1,60,20,000/- (Rupees One Crore Sixty Lakhs and Twenty Thousand Only) to M/s. Sri Sai projects Ltd., Rep. by Sri. Adepu Nagaraj.

4. That the said sale transaction was executed through registered sale deed bearing document No.13357/2022 dated 04.08.2022 at office of joint Sub-Registrar, Ranga Reddy with an understanding that the balance sale consideration of Rs. 30,10,000/- (Rupees Thirty lakhs and Ten Thousand only) shall be paid through Cheque bearing No. 000056, dated 04.08.2022 drawn at HDFC Bank, Dharmareddy Colony, phase I, Kukatpully Branch.

5. That the sale consideration of Rs. 1,60,20,000/- (Rupees One Crore Sixty Lakhs and Twenty Thousand only) was agreed to be divided into two equal halves and both Sri.V.Ramanuja Chary and the Complainant were to be paid Rs. 80,10,000/- (Rupees Eighty Lakhs and Ten thousand only) each.

6. M/s Sri Sai projects, Rep by Sri. Adepu Nagaraj, paid partial sale consideration of Rs.50,00,000/- (Rupees Fifty Lakhs only) through online to the Complainant and remaining sale consideration of Rs. 30,10,000/- (Rupees Thirty Lakhs and Ten Thousand only) was to paid through Cheque bearing No.000056, dated 04.06 2022 drawn at HDFC Bank Dharmareddy colony, phase I, Kukatpally Branch but the said cheque got returned with cheque return memo dated 04.11.2022 for the reason "instrument outdated sale".

7. Further, the Complainant stated that, he filed a court case vide No. SR067/2022, No. 6977/2022, SR7066/2022 No. 6978/2022 in MM Court another O.S. No. 801/2022 in City Civil Court against the Respondent. Till date the Respondent has not paid the balance sale consideration of Rs.30,10,000/- to the Complainant and stated that, an application bearing REA02400049664 was submitted to this Authority by the Respondent for the aforesaid land. Accordingly, he prayed to cancel the application bearing REA02400049664 submitted by M/s. Sri Sai projects, Rep. by Sri. Adepu Nagarj in respect of the open plots bearing Nos. 814, 815 and 816, type-B, in Sy.No.202 admeasuring 600 sq. yds. situated at Sri Ramnagar Colony, Kondapur village, Serlingampally Mandal, Ranga Reddy District.

B. Reply on behalf of the Respondent:

8. Accordingly, vide Reply dated 21.03.2023, the Respondent denied all the averments made in the Complaint and submitted that complainant should be put to strict proof and that he has suppressed facts and accordingly requested this Authority to drop the complaint and to advise the complainant not to file cases

against the builder and not to defame the builder's name in the society otherwise they are constrained to take appropriate legal action against the Complainant.

C. Observations and Directions of the Authority:

9. That the parties were called for hearing on 02.11.2023 wherein the Counsel for Respondent appeared and submitted that the parties herein have entered into an MOU and have settled all the disputes between the parties and accordingly submitted the said MOU dated 06.06.2023 before this Authority. The same is taken on record.

10. Accordingly, the Complaint stands disposed of.

11. 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