

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

COMPLAINT NO.307 OF 2023

2nd of November, 2023

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

Sri Subodh Kumar Sanghi

...Complainant

Versus

M/s Ananya Infra Project Pvt. Ltd.

...Respondent

In the matter presently before this Authority, filed by the Complainant, a hearing was conducted on 15.07.2023, 17.08.2023 and 17.10.2023 with the Complainant present in person. No representative appeared on behalf of the Respondent. Following the presentation of arguments by the Complainant, this Authority issues the following:

ORDER:

2. The current Complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "RE(R&D) Act"), in conjunction with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules"), seeking directions for this Authority to take action against the Respondent.

3. The Complainant alleges that M/s Ananya Infra Project Pvt. Ltd, represented by its Director Shri Raj Kumar Rai, has marketed plots in a project without RERA registration under TSRERA. The Complainant further asserts that payments were made in September 2018, and an Agreement of Sale was entered into on 20.02.2019, assuring delivery of plots within 9 months for a Residential Housing layout project in sy no. 252 & 253 of Athvelley Village, admeasuring Ac.19-27 gts at Medchal Mandal, Medchal Malakajgiri District, Telangana State.

4. Upon receiving the complaint, this Authority issued notice no. 307/2021/TSRERA dated 19.06.2021, and a reminder notice dated 29.07.2021 to the developer under Rule 34(2) of the Telangana State

(Regulation and Development) Rules 2017. The notices directed the promoter to comply with specified directions, but no response has been received from the promoter to date.

5. Subsequently, the Complainant filed Writ petition W.P.No.15016 of 2021 before the Hon'ble High Court, leading to the disposal of the petition with directions for completing the enquiry and passing necessary orders expeditiously. The Complainant also filed a contempt case vide CC. no. 1425 of 2022, wherein the Hon'ble High Court issued notices to this Office.

6. A hearing was conducted by, the then Authority on December 23, 2022, during which the Complainant reiterated the original contentions. In light of the Respondent's failure to register the project with TSRERA and their non-compliance with the Authority's notices, an ex-parte order was issued on January 9, 2023. The order directed the Respondent to register their project with TSRERA.

7. Subsequent to the issuance of the ex-parte order by the then Authority, the Complainant forwarded a new letter to this Authority, alleging that the Respondent had not yet registered the project. The Complainant sought another hearing date.

8. On July 15, 2023, a hearing was conducted by the presently constituted Authority. During the proceedings, the Complainant was personally present, while no representative appeared on behalf of the Respondent. Sri Nageshwar represented the HMDA authority. The Complainant asserted before the Bench that Sale Deeds were executed between the parties on February 20, 2019, involving the purchase of six plots from the Respondent in the Athevelley Village project. The Complainant claimed to have been assured by the Respondent that the concerned project would be registered under TS RERA. Relying on this assurance, the Complainant invested funds. However, the Respondent failed to register the project, even after the then Authority issued an ex-parte order prior to the proceedings before this Authority.

9. Meanwhile, the HMDA submitted a letter dated 26th November 2022 to the Bench, disclosing that the HMDA sanction for Mechal zone, Athvelly Village project layout permission, issued via draft layout dated 24th March 2017 (LP no. 09/LP/plg/HMDA/2017) in favor of M/s Ananya Infra Projects, had been cancelled. The cancellation was attributed to the layout applicant's encroachment on the area of the concerned land of the project. Consequently, the layout applicant was accused of misrepresenting facts before the HMDA authority during the application filing, leading to the acquisition of a draft layout. Additionally, sy.no.251 was identified as government land and was found to be encroached upon.

10. Subsequently, the Complainant requested time to submit additional documents, and a subsequent hearing was scheduled for the 17th of August 2023 and 17th of October 2023. However, no representatives appeared on behalf of either party during these scheduled hearings.

11. Considering the cancellation of the HMDA draft sanction plan bearing permit no. 09/LO/plg/HMDA/2017 for the concerned project of the Respondent on grounds of encroachment, this Authority holds that the Complainant's prayer for directing the Respondent to register the project under TS RERA cannot be granted. Hence, the matter is disposed of accordingly.

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