

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

**COMPLAINT NO.1297 OF 2023
COMPLAINT NO.1299 OF 2023
COMPLAINT NO.1298 OF 2023
COMPLAINT NO.1313 OF 2023
COMPLAINT NO.1314 OF 2023**

28th Day of November, 2023

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

Smt Sowmya Pothuru
Sri Jasti Nihin Teja
Sri Surukanti Srinath Reddy
Sri Harsha Chitanya Vurugonda
Sri Badam Pradeep Kumar

...Complainant(s)

Versus

M/s Jaswitha Constructions

...Respondent(s)

The present matter filed by the Complainant herein came up for hearing on 21.11.2023 before this Authority in the presence of Complainants present in person, Sri Srinivas and Sri Chandrshekar on behalf of the Respondent. Upon hearing the arguments of the party, this Authority passes the following

INTERIM ORDER:

2. This Interim order shall be applicable to all 5 complaints filed under Form M, section 31 of the Real Estate (Regulation and Development) Act, 2016 ("the Act"), read with rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 ("the Rules"). These complaints allege violation or contravention of the Act of 2016 or the Rules and Regulations made thereunder. The Act prescribes that the Promoter shall fulfill all obligations, responsibilities, and functions towards the allottee as per the agreed terms.

3. Captioned complaints are grouped together for hearing as they involve the same issues pertaining to the same project and the same respondent, M/s Jaswitha Constructions– project "Jaswitha Luxor." The terms and conditions of the builder-buyer Sale Deeds, entered into between the parties, are also similar.

4. The present complaint revolves around the Respondent Firm's being the developer for the development of land admeasuring 6167.44 square yards in survey no.133, (out of A.c 1-24 guntas), situated at Gandipet Ranga Reddy, Telangana. In 2018, the Promoter obtained construction permission for a Residential complex from HMDA Proceeding no. 010049/SKP/R1/U6/HMDA/29/03/2018. The said Project is registered with TSRERA under registration no. P02400001886. The complainant contends that the Respondent has promised all the complainants that the possession of the units will be handed over to the Complainants by 31.03.2022. As per the Affidavit cum Declaration submitted to TSRERA, the said project shall have been completed by 21.12.2021.

5. Further, an extension of RERA registration of the project was granted to the Respondent, which is valid up to 31.12.2022. And yet, the Respondent has failed to complete the construction work of the said project.

6. Further, the Respondent has been constantly avoiding the allottees and has not been replying to any of the communication sources. Hence, with no clarity over the said project and inevitable losses suffered by the complainants, this complaint has been filed before this Authority. The Complainant contends that the Respondent violated sections, rules and regulations, by not adhering to project completion timelines in agreements with various allottees. The Complainant asserts that the Respondent's actions misled allottees about completion timelines, prompting them to enter into agreements.

7. On 21.11.2023, a hearing was conducted wherein both parties were present. The Complainants reiterated the contentions raised in the complaints; however, the Respondent submitted that the delay took place

because of the Covid-19 pandemic situation, as not available skilled workers and receiving ordered materials also delayed from other states, and after recovering from Covid, the Respondents have engaged new vendors as the old vendors have left the work midway. Due to the above said reasons, there has been a delay in completing the work, and they are committing towards the completion of work within 3 months, including all promised amenities. Whereas, with respect to the RERA registration, there has been a clerical mistake by the Respondent while making an application to RERA, HMDA gave permission for completion of the said project till 2026; they have applied for correction of RERA registration, which is pending before this Authority.

8. Upon careful consideration of the representations put forth by both parties, it is apparent that the Respondent has failed to fulfil the contractual obligation of delivering the specified project within the agreed-upon timeframe, as explicitly acknowledged by the Respondents themselves. This Authority notes with concern the Respondent's consistent and negligent disregard in responding to the grievances raised by the Complainants regarding the status of the construction. Furthermore, this Authority observes that approximately 50% of the units offered by the Respondent remain unsold and are yet to be sold. Whereas the RERA extension registration was valid until 31.12.2022, the Respondent has applied for a correction of the certificate before TSRERA.

9. The Respondent's failure to adequately address the concerns related to the construction stage and the pending construction work, as stipulated by the promoter, necessitates the issuance of an interim order in the present matter.

10. Therefore, upon consideration of the facts and circumstances of the present case, this Authority deprecates the behaviour of such Builders who evade the law and, considering the prima facie merits of the complaints and the request for interim relief, the Authority hereby issues the following interim order:

The Respondent hereby directed to take responsibility for addressing the concerns raised by the complainants regarding the progress of the project in question. Consequently, the Respondent shall establish a dedicated desk to receive and respond to grievances from the Complainants, specifically addressing issues raised by the Allottees concerning the aforementioned project. The purpose of this desk is to acknowledge and appropriately respond to concerns brought forth by the allottees.

11. The matter is listed on 19.12.2023 for hearing.

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