

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

Complaint No. 1684 of 2023

14th November, 2025

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

Bharatha Raveender

*R/o- Qt. No. A-34, Jail Quarters (New)
Chanchalguda, Hyderabad
Telanagana-500024*

...Complainant

AND

M/s Krithika Infra Developers

*Rep. by 1. D Srikanth, managing director 2. Radha Bhukya
Address for service of all notices
3rd and 4th floor, X Road
Beside Bahar Café, Gunti Jangaiah Nagar, L.B Nagar,
Hyderabad, Telangana 500074
Flat No.314, 3rd floor
LPT Market, LB Nagar
Hyderabad, Telangana 500074*

...Respondent

The present complaint was listed for hearing before this Authority. The Complainant appeared in person. Despite due service of notice, no one appeared on behalf of the Respondent. After hearing the Complainant and perusing the material available on record, this Authority proceeds to pass the following order:

2. The Complainant filed the instant complaint against the Respondent, seeking a direction to refund an amount of Rs. 32,00,000/- (Rupees Thirty-Two Lakhs only), paid as advance towards the purchase of a flat in the project known as "Regal Oak," situated at Saidabad, Hyderabad. Upon consideration of the submissions and evidence adduced by the parties, this Authority, vide its order dated 21-03-2024, disposed of the complaint by directing the Respondent to refund the balance amount of Rs. 30,50,000/- (after forfeiture of the booking amount in accordance with the Telangana Real Estate (Regulation and Development) Rules, 2017) along with interest at the rate of 10.65% per annum, within a period of 60 days.
3. The Complainant appealed before the Hon'ble Telangana Real Estate Appellate Tribunal (TGREAT), contending that the Respondent failed to comply with the refund direction.

TGREAT, by Order dated 17.03.2025, remanded the matter to this Authority for consideration of imposition of penalty, noting that the project in question was not registered with RERA.

4. On remand, the Authority examined the registration status and finds that the project "Regal Oak," situated at Saidabad, Hyderabad, stands registered with the Telangana Real Estate Regulatory Authority under Registration No. P02500008750. The registered Promoter of the said project is M/s CSK Realtors Limited. In order to ascertain the Respondent's role and authority in relation to the project, this Authority issued a show-cause notice under Section 35 of the Real Estate (Regulation and Development) Act, 2016, to the registered Promoter, M/s CSK Realtors Limited. The notice sought clarification on how the Respondent had purportedly obtained rights to promote the project, entered into agreements, and the precise nature of the Respondent's involvement.

5. In reply dated [25.03.2025], M/s CSK Realtors Limited, through its Director Mr. Rakshit Agarwal, categorically stated that they have no contract or authorization in favour of M/s Krithika Developers / M/s Krithika Infra Developers Pvt. Ltd. with respect to the RERA-approved project "Regal Oak" and that any dealings with the Respondent are null and void and do not bind the registered promoter.

6. Prior to the original order dated 21-03-2024, a notice was also issued to the Respondent who, by a counter asserted that the Respondent had commenced development of a multistoried complex at Saidabad, Hyderabad. It was further stated that the Complainant approached the Respondent on 28-11-2022 to book a flat and paid an initial advance of Rs. 1,00,000/- on the same day. Subsequently, the Complainant paid a total of Rs. 32,00,000/- in installments towards the agreed sale consideration of Rs. 42,09,300/-. While construction was underway, the Complainant visited the site. However, approximately two months after booking, on 16-02-2023, the Complainant submitted a letter requesting cancellation and refund of the advance due to financial constraints. In response, the Respondent refunded Rs. 50,000/- on 17-11-2023 and assured the balance would be paid upon resale of the flat to another buyer.

7. The record contains no documentary evidence establishing any contractual nexus between the Respondent and the registered promoter, M/s CSK Realtors Limited. The Respondent appears to have held out the project as its own and collected substantial sums without lawful authority. Despite service of notices including for personal service after remand, the Respondent failed to appear before this Authority or produce any documentary clarification

regarding its capacity in the transaction. The Complainant has also not produced any document showing that the Respondent was authorized by the registered promoter.

8. It is recorded that the Respondent has obtained registration as a real estate agent with this Authority on multiple occasions under variant names one as "Krithika Infra Developers" (Certificate No. A02400001244) and another as "Krithika Infra Developers Private Limited" (Certificate No. A02400001286). Notwithstanding these agent registrations, however in the Respondent's own submissions in the counter-affidavit portray it as the developer, responsible for construction, payment collection, and refunds actions that align not with the role of a real estate agent under Sections 9 and 10 of the RE(R&D) Act. Those actions are not consistent with the limited role of an agent under Sections 9 and 10 of the Act but fall squarely within the statutory concept of a promoter under Section 2(zk)(v) of RE(R&D) Act.

9. The Authority finds that the actions of the Respondent squarely fall within the definition of a "promoter" as envisaged under Section 2(zk)(v) of the RE(R&D) Act, which includes "any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale." The Respondent's representations, collection of payments, and claims of development evince a mala fide intent to deceive innocent homebuyers. This constitutes unfair trade practices, wherein the Respondent solicited funds without legal entitlement over the registered project, which is promoted by an entirely different entity. An agent facilitates transactions on behalf of a promoter, without assuming developmental responsibilities or collecting payments in a manner suggestive of ownership.

10. The Authority further notes that in Complaint No. 86 of 2025 (order dated 16.10.2025) the Respondent, M/s Krithika Infra Developers, was earlier declared a "defaulter" for persistent and willful contraventions of the RE (R&D) Act. Multiple complaints against the Respondent across projects have been recorded, reflecting repeated disregard for statutory obligations.

11. However, in the present matter the Authority finds that the Respondent's conduct amounts to indulgence in unfair trade practices and misrepresentation, in violation of provisions of the RE(R&D) Act. Although the project is registered under a different promoter, the Respondent's false claims and solicitations undermine the RE(R&D) Act's objectives. The preamble of the said Act emphasizes protection of homebuyers from such exploitative practices. Reading this in conjunction with Section 7(1)(c) of RE(R&D) Act, which addresses unfair methods or deceptive

practices for promoting real estate projects, including false or misleading representations and fraudulent activities, it is clear that the legislative intent is to curb such malpractices. The Respondent has demonstrated complete disregard for the said Act's provisions

12. Although a penalty under Sections 3 and 4 cannot be levied in the present case since the registration of the project stands in the name of a different promoter, the Respondent's act of falsely projecting himself as the developer of the registered project, collecting consideration from the Complainant without any lawful authority, and inducing the transaction through misrepresentation constitutes a clear contravention of the obligations cast upon a promoter under the RE(R&D) Act. Such conduct squarely attracts penalty under Section 61, read with Sections 37 and 38, being a case of deliberate misrepresentation, fraudulent solicitation of funds, and unfair trade practice in the real estate sector.

13. In view of the foregoing discussions and in exercise of the powers conferred under Sections 37 and 38 of the Real Estate (Regulation and Development) Act, 2016, this Authority finds that the Respondent is liable for penalty under Section 61 of the RE(R&D) Act for misrepresentation and unfair practices, and accordingly, a penalty of Rs. 26,44,751/- (Twenty-Six Lakh Forty-Four Thousand Seven Hundred Fifty-One Rupees only) is imposed on the Respondent. Further, The Respondent shall pay the aforesaid penalty within 30 days from the date of this order, in favor of the TGRERA FUND, through a Demand Draft or online payment to Account No. 50100595798191, HDFC Bank, IFSC Code: HDFC0007036.

14. Accordingly, the present complaint stands disposed of in the above terms.

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

Sd/-
Sri. Laxmi Naryana Jannu,
Hon'ble Member
TG RERA

Sd/-
Dr. N. Satyanarayana, IAS (Retd.),
Hon'ble Chairperson
TG RERA