

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

COMPLAINT NO.222 OF 2024

10th Day of September 2024

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

Sri Surepalli Rahul

...Complainant

Versus

M/s EVK Projects Pvt. Ltd.
Through its Managing Director,
Sri Guntupalli Srinivas Rao

...Respondents

The present matter filed by the Complainant herein came up for hearing on 19.03.2024, 03.04.2024, 24.04.2024 and 11.06.2024 before this Authority in the presence of Complainant in person and none for the Respondent 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") seeking appropriate relief against the Respondent.

Brief facts of the case:

3. The Complainant submitted that he paid Rs.9,00,000/- (Rupees Nine Lakhs Only) to the Respondent for purchase of open plot under pre-launch offer in the Project “EVK Abhira” which is not registered with TG RERA. It was submitted that Respondent entered into an Agreement of Sale dated 16.06.2021 which reflected that the Respondent received the amounts paid by the Complainant towards purchase of the open plot having total consideration of Rs.35,35,000/- (Rupees Thirty-Five Lakhs and Thirty-Five Thousand Only).

4. It was also submitted by the Complainant that the Respondent, even after three years since the execution of the Agreement of Sale dated 16.06.2021, did not develop the Project Land and is misleading innocent public by receiving money deposits.

5. Accordingly, it was prayed to direct the Respondent to refund Rs.9,00,000/- (Rupees Nine Lakhs Only) to the Complainant along with interest and also sought for compensation.

Observations and Directions of the Authority:

6. The notices issued to the Respondent were returned, therefore, this Authority directed the Complainant to issue fresh notice to the Respondent and submit acknowledgment of the same. As the Project titled “EVK Abhira” was not registered with this Authority, a Show Cause Notice dated 30.04.2024 along with hearing Notice dated 30.04.2024 for hearing on 11.06.2024 was issued to the Respondent through the Complainant.

7. The Complainant, accordingly, submitted proof of service on the Respondent of the above-mentioned two notices and therefore, the service is complete on the Respondent. However, despite service of notice, the Respondent failed to appear hence, he was set *ex-parte* on 11.06.2024. It is also pertinent to note that the Respondent also failed to submit any reply to the Show Cause Notice dated 30.04.2024 which clearly directed the Respondent to respond within a period of 15 (fifteen) days, failing which, it shall be assumed that it has no response to be filed in this regard and that Authority can take appropriate action in accordance with law.

8. As regards the merits of the matter, the Complainant has paid Rs.9,00,000/- (Rupees Nine Lakhs Only) and by virtue of the Agreement of Sale dated 16.06.2021, the Respondent has acknowledged the receipt of the same. The Respondent has also failed to register the Project with this Authority thereby violating Sections 3 and 4 of the Act, 2016.

9. Therefore, vide its powers under Section 37 and 38, this Authority issues the following directions:

- i. For violating Sections 3 and 4 of the Act, the Respondent is liable for a penalty of Rs.1,54,408/- (Rupees One Lakh Fifty-Four Thousand Four Hundred and Eight Only) payable within 30 days in favour of TG RERA FUNDS through Demand Draft or online payment to A/c No.50100595798191, HDFC Bank, IFSC Code: HDFC0007036, failing which appropriate action under Section 63 of the Act, 2016 shall be initiated against the Respondent; and

- ii. The Respondent is also liable to refund total amount of Rs.9,00,000/- along with an interest of 10.85% per annum as per Rule 15 of the Rules, 2017 from the date of the Agreement of Sale i.e., from 16.06.2021, failing which appropriate action under Section 63 of the Act, 2016 shall be initiated against the Respondent.
- iii. The Complainant is at liberty to approach the Ld. Adjudicating Officer under appropriate provisions of the Act, 2016 in such form and manner for want of any compensation in this regard.

10. In light of the above directions, the present complaint is disposed of.

11. If aggrieved by this Order, the parties may approach the Telangana Real Estate Appellate Tribunal in accordance with Section 44 of the Act, 2016.

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**