

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

Interlocutory Application No. 54 of 2024

IN

Complaint No. 192 of 2024

14th November , 2024

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

Sri G. Venkata Satyanarayana

...Complainant(s)

Versus

M/s Aspire Spaces Pvt. Ltd.

...Respondent(s)

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"). During the hearing, the Complainants prayed before this Authority to pass the following interim order in safeguarding their interest:

- a. To direct the Respondent herein be injuncted from disposing off/transferring/alienating/selling the Ac.8- 06 Gts., or 39,031.94 Yards or 32,635.68 SqMtrs in Sy. No. 170, 170/P, 170/A1, 170/U1, 170/U2, 170/U3, 170/U4, 170/U5, 170/UU, 170/UU1, 170/UU2, 170/UU3, 170/RU1, 170/RU2, 170/RU3, 170/RU4, 170/RU5 & 179/P situated at Ameenpur Village, Ameenpur Mandal, within the limits of Ameenpur Municipality, Sangareddy District, Telangana State (**hereinafter called as "Schedule 'A' Property"**) and 1). Nos. 105 (1300 Sq.ft.) on the First Floor (2). Apartment No. 106 (1635 Sq.ft.) on the First Floor (3). Apartment No. 108 (1300 Sq.ft.) on the First Floor (4). 201 (1715 Sq.ft.) (**hereinafter called as "Schedule 'B' Property"**)

2. The Complainants and Respondent entered into an Agreement of Sale dated August 21, 2023, for the purchase of residential flats in the project "Aspire Spaces Ameya" under the Respondent's development. The Complainants paid the entire sale consideration amounting to ₹3,35,72,000 to the Respondent.

3. As per the Agreement, the Respondent undertook to complete certain obligations within stipulated timelines, failing which they agreed to either refund the amount or execute a registered sale deed in favor of the Complainants for the Schedule 'B' properties. Subsequent agreements and post-dated cheques were issued as securities, which were dishonored, leading the Complainants to approach this Authority.

4. On October 28, 2024, the Complainants filed an interlocutory application seeking an interim injunction to restrain the Respondent from alienating or creating third-party rights over the subject properties. During the hearing on November 1, 2024, the Respondent did not oppose the application and raised no objections to the requested relief.

5. This Authority has carefully considered the materials on record and the arguments presented. It is apparent from the Agreement of Sale that the Respondent committed to register the subject flats in favor of the Complainants if specific conditions were unmet. With the Respondent's obligations still outstanding, the Complainants' rights over the said properties remain unsecured, rendering their apprehensions about potential third-party alienation justifiable.

6. The Authority notes that the Respondent has submitted no objections to the interim relief sought by the Complainants with regard to restraining alienation of the properties. Given the Respondent's assurances and the Complainants' valid concerns, this Authority deems it necessary to issue an interim injunction to preserve the status quo of the properties until the final disposal of the matter. Allowing any alienation or third-party interest at this stage would risk rendering the Complainants' relief in the main complaint nugatory.

7. In light of the peculiar facts and circumstances of this case, and in exercise of its powers under Sections 36 and 37 of the Real Estate (Regulation and Development) Act, 2016, this Authority hereby issues the following interim directions:

- a. The Respondent is hereby restrained from creating any third-party rights, alienating, or otherwise transferring any interest in the Schedule 'B' properties or flats within the "Aspire Spaces Ameya" project as specified in this application until the final disposal of the main complaint.
8. Accordingly, in view of the above direction, I.A. 54 is allowed.

Sd- Sri. K. Srinivas Rao, Hon'ble Member TG RERA	Sd- Sri. Laxmi NaryanaJannu, Hon'ble Member TG RERA	Sd- Dr. N. Satyanarayana, IAS (Retd.), Hon'ble Chairperson TG RERA
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