BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

Complaint No. 810 of 2025

Dated: 17th November, 2026

Quorum: **Sri Laxmi Narayana Jannu, Hon'ble Member**
Sri K. Srinivasa Rao, Hon'ble Member

Between:
Sai Venkatesh Suryadevara
R/o. Flat No. 5B, 15-102, Gollapudi Diamonds Apartment,
Gollapudi, Vijayawada, NTR District,
Andhra Pradesh- 521225

…**Complainant**

Versus

1. **Banoth Sarojini, W/o Hussain,**
R/o. H. No. 6-88, Sai Prabath Nagar, Pedda Thanda Village,
Khammam Rural Mandal, Khammam District,
Telangana
2. **Banoth Janaki, W/o Krishna,**
R/o. H. No. 5-88, Sai Prabath Nagar, Pedda Thanda Village,
Khammam Rural Mandal, Khammam District,
Telangana

...**Respondents**

The present matter filed by the Complainant mentioned herein above came up for final hearing on 06.10.2026 before this Authority in the presence of the Complainant and none appeared on behalf of the Respondents. Despite due service of notice, there was no appearance therefore, they were set ex-parte. Upon hearing the submissions of Complainant and perusal of the material placed on record, this Authority proceeds to pass the following **ORDER**:

2. The present Complaint has been filed by the Complainants under 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 (hereinafter referred to as the "Rules"), seeking appropriate relief(s) against the Respondent.

A. Brief facts of the case as per Form M filed by the Complainant:

3. The Complainant submitted that he is filing the present complaint in respect of the undeveloped status of a residential plot which he had purchased. It was submitted that he

purchased Plot No. 3 in a venture approved by SUDA, Khammam dated 10.10.2023, vide proceedings number 282804/LP/GP/202408/2023. The registered Sale Deed for this plot was executed on 17.10.2023, bearing Document No. 4292/2023.

4. It was submitted that at the time of the purchase, the promoter promised to develop the plot with all necessary facilities as per SUDA Khammam norms within three months from the plot's registration date. This deadline has passed, both the plot and the layout are still in an undeveloped condition. It was further submitted that despite repeated requests to the promoter to develop the project, the complainant has received no response or action.

5. Therefore, he seeks the urgent intervention of this Hon'ble Authority in this matter and requests the Authority to take appropriate action against the promoters to ensure the development of the plot as promised and in accordance with the approved SUDA Khammam norms. He further prays this Hon'ble Authority to kindly take action as per the RERA Act, and arrange for the below sought reliefs.

B. Relief(s) Sought:

In view of the facts mentioned above, the Complainant prays for the following relief(s):

a. To instruct the promoter to develop the project immediately.
b. Instruct the promoter to register the project with RERA.

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C. Points for Consideration:

After considering the facts stated and submissions made by the Complainant, the following questions arise before this Authority:

I. Whether the Respondent has violated any provisions of the RE(R&D) Act?

II. Whether the Complainant is entitled to relief sought? If so, to what extent?

D. Observations of this Authority:

6. Before adjudicating on the matter, this Authority takes due note of the repeated non-compliance by the Respondents, who have failed to appear before this Authority despite service of notice and affording sufficient opportunities. In view of their continued absence, the Respondents are hereby set ex parte, and the matter is being adjudicated based on the pleadings, documents, and submissions placed on record by the Complainant.

Point I:

7. The core issue at hand is whether the Respondent has contravened the mandatory registration requirement under Section 3 of the Real Estate (R&D) Act, 2016. Section 3(1) of the Act, imposes a categorical bar against any promoter from advertising, marketing, booking, selling, or offering for sale of any plot, apartment, or building in a real estate project without prior registration of the project with the Real Estate Regulatory Authority.

8. This provision imposes a mandatory requirement on the promoters, not mere a discretional/procedural formality. Registration under the RE(R&D) Act, 2016 ensures that a project being sold to consumers has a lawful title, the promoter has financial prudence, and it adheres to essential regulatory safeguards including sanctioned plans, abides by declared timelines, thereby serving the larger objectives of consumer protection and transparency in the real estate sector. The only statutory exemption to the mandate under Section 3(1) is provided in section 3(2) of the Act, which exempts projects where the land proposed to be developed does not exceed 500 square meters or the number of apartments does not exceed eight.

9. Further, a real estate project as defined under Section 2(zn) includes the development of land into plots for the purpose of selling, inter alia. The definition is not contingent upon registration. Nowhere does the Act define a 'real estate project' as one that must be registered to fall within the ambit of regulatory oversight. The consequence is that even unregistered but registrable projects fall within the domain of the Regulatory Authority.

10. In view of the above, it is well established that if a promoter undertakes activities as defined under Section 2(zk) of the said Act without registering the project when such registration was legally required the project would nevertheless fall within the domain of the Authority. The Respondents herein undertook to develop an open land into 19 plots with amenities such as water reservoir, septic tank/sewerage treatment plant, electric transformer etc. Hence, this Authority considers the development undertaken by the Respondents to be a "real estate project" as defined under Section 2 (zn) of the Act.

11. A plain reading of the Tentative Layout Plan dated 10.10.2023 approved by the SUDA, Khammam on record makes it evident that the Respondents undertook to develop a plotted layout in an area admeasuring Ac. 1.357 cents i.e., 6567.176 sq. yds in Sy No. 13/1A/1/1/1/2 & 13/1A/2 situated at Gurralapadu Revenue Village, Khammam District, Telangana. This clearly translates to a land area well in excess of 500 square meters. Hence, the project squarely

falls within the scope of Section 3(1) and is not exempted under Section 3(2) of the Act. Consequently, registration with the Authority was a mandatory pre-requisite before any form of advertisement, agreement, or collection of funds could take place.

12. But in contravention of Section 3, Respondents have collected Rs. 3,54,000/- (Rupees Three Lakhs Fifty-Four Thousand only) and sold Plot No. 03, ad-measuring 208 sq. yds. or 173.91 sq. mts. in the said layout to the Complainant through a registered Sale Deed dated 17.10.2023 bearing Document No. 4292/2023 registered at SRO, Khammam Rural. Engaging in such commercial activities of soliciting bookings, executing agreements and receiving substantial consideration from allottees without registration constitutes a clear and wilful contravention of Section 3(1) of the RE (R&D) Act, 2016. Further, the record reflects that, even as of today, no registration application has been filed before this Authority, in clear contravention of Section 4(1) of the Act. Hence, the Respondents are liable under Sections 59 and 60 of the RE(R&D) Act, 2016 for contravention of Sections 3 and 4 of the Act.

13. Further, it is also pertinent to note that, not only have the Respondents sold the plot without obtaining RERA registration, they have utterly failed to show any regard to the adjudicatory process of this Authority. This Authority has, upon the filing of the complaint afforded the Respondents multiple opportunities to contest their case but they failed to appear before us. Notwithstanding, this Authority has also issued a Show Cause Notice dated on 17.04.2026 calling upon them to explain as to why action should not be initiated against them for violation of Sections 3 and 4 of the RE(R&D) Act, 2016, including imposition of penalty under Sections 59 and 60 of the Act. The Respondents have even failed to reply to the said show cause notice, depicting their disregard to the adjudicatory process of this Authority.

Point II:

14. Be that as it may, before deciding upon the reliefs sought by the Complainant, it is necessary to refer to the plain language of Section 2(d) of the Real Estate (R&D) Act, 2016, which reads as follows:

> *"allottee" in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;*

15. The Sale Deed dated 17.10.2023 makes it evident that the Respondents collected a total sale consideration of Rs. 3,54,000/- and sold Plot No. 03 in the said layout. The non-registration of the project does not bar this Authority from considering the Complainant as an allottee especially when a registered Sale Deed is placed before us. Hence, this Authority conclusively holds that the Complainant is an allottee under Section 2(d) of the Act for the purpose of availing reliefs under the Real Estate (R& D) Act, 2016.

16. Coming to the reliefs sought by the Complainant, the only material pertaining to the project placed before us is the Tentative Layout Plan dated 10.10.2023 issued by the SUDA, Khammam. The plan clearly states that *"the Applicant (Layout Owner/ Developer) shall carry out all the infrastructure and amenities and other works within 2 years from the date of approval of the Tentative Layout Plan as per TS-Bpass Act, 2020".* Neither the final layout plan nor any extension of the layout plan is placed before us. Hence, going by the Tentative Layout Plan, the time period to complete the layout expired way back on 09.10.2025. But it is the Complainant's case that the both his plot and the entire layout stands undeveloped even as of today.

17. Although the Sale Deed dated 17.10.2023 records that the vacant physical possession has been handed over, the Complainant states that the Sale Deed was executed with a promise that the plot would be developed within 3 months i.e., by 16.01.2024 with all necessary facilities as per SUDA Khammam norms. Both the agreed timeline and the timeline mentioned in the Tentative Layout Plan have expired and the layout stands undeveloped even as of today. Mere execution of a sale deed does not discharge the Respondents' obligation of completing the works undertaken by them. Therefore, the Respondents are obligated to complete the development of the layout strictly in accordance with the approval, at the earliest possible.

E. Directions of this Authority:

18. In view of the forgoing, this Authority, in exercise of the powers conferred under Sections 37 and 38 of the Act, hereby directs as follows:

a. For contravening Sections 3 and 4 of the RE(R&D) Act, this Authority, exercising its powers under Sections 59 & 60 of the said Act, imposes a penalty of Rs. 57,735/- (Rupees Fifty-seven Thousand Seven Thirty-Five only) on the Respondents. The amount is payable in favour of TGRERA FUND through a Demand Draft or online

payment to A/c No. 50100595798191, HDFC Bank, IFSC Code: HDFC0007036, within 30 (thirty) days of receipt of this Order by the Respondents/Promoter.

b. The Respondents are directed to develop the layout with all the amenities strictly in accordance with the approvals and obtain the final layout approval within 6 (six) months from the date of this order.

c. Failing compliance of the above directions, the Respondents shall be liable to penalty under Section 63 of the Act.

19. As a result, the complaint is allowed. There shall be no order as to costs.

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

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

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