

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

COMPLAINT NO.82 OF 2020

30th Day of December, 2023

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

Sri Govardhan Chary

...Complainant

Versus

M/s SAS Infra Pvt. Ltd.

...Respondent

The present complaint came up for hearing on 23.08.2023, 26.09.2023 and 21.12.2023 before this Authority in the presence of the Complainant and Counsel for Complainant, Sri Maheshwaran and Counsel for Respondent, Sri T. Vijay Kumar Reddy & Ms. Preeti Aggarwal and upon hearing the arguments of both the parties, this Authority passes the following **ORDER:**

2. The counsel for respondent vehemently urged that, the present Complaint filed by the Complainant is not maintainable on the ground that, the complainant made a similar complaint to the Authority earlier and after taking into consideration the documents filed by the Complainant and the Reply by the Respondent, this Authority, vide its Order dated 06.09.2021 dismissed the matter holding as under:

“Relief sought by complainant is ambiguous and not specific. Therefore, the relief sought is hereby rejected. However, the parties are at liberty to approach competent civil court for remedy.”

3. From the record it is apparent that, the pleas which were raised by the complainant in the earlier complaint are reiterated in the present complaint except additional pleas that the MOU's and Agreements are entered by the respondent with him and others without obtaining RERA registration.

4. The Authority is of the considered view that, the additional pleas raised in present complaint were available to the complaint when the earlier complaint was made to the Authority. As such, the complaint might or ought to have raised the above-said additional pleas in the earlier complaint itself. Therefore, it is not permissible for the complainant to file the additional pleas which is clearly barred by the principle of constructive *res judicata*.

5. It is also to be noted that the prayer sought in the earlier complaint and the present complaint are also similar i.e., to take action against the Respondent Builder.

6. In view of the observations made above, without going into the merits, the complaint is closed.

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**