

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

**COMPLAINT NO.689 OF 2021**

**26<sup>th</sup> Day of October, 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 B Madhavi ...Complainant

Versus

1. Sri Venkateswara Constructions  
2. Sri Dontham Srinivas Reddy  
3. Sri Anjaiah ...Respondents

The present matter filed by the Complainant herein came up for hearing on 09.08.2023, 12.09.2023 and 10.10.2023 before this Authority in the presence of Sri Sri B Anil Reddy, Son of Complainant along with his Brother Sri Santosh Reddy, on behalf of the Complainant, Sri Rajaram, son of Respondent No.3 on behalf of Respondent No.3, and none for Respondent No.1 & 2 appeared and upon hearing the arguments of both the parties, 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") requesting to take appropriate action against the Respondent Builder.

**A. Brief facts of the case:**

3. The Complainant, purchased a Flat No.105 on 15.08.2019 in the project “Smarun Sarovar Apartment” registered with this Authority vide Seventy-Twon No. P02500001195, situated at Mansoorabad, Near Sahara Estates, LB Nagar, Hyderabad for a total sale consideration of Rs.72,50,000/- (Rupees Seventy Two Lakhs Fifty Thousand Only) from the Respondent No.1 Builder/Developer represented by its partners, Late D. Venugopal Reddy and Late Smt. Kavitha and Sri Anjaiah, Land Owner and duly entered into Agreement of Sale vide Document No.18339 dated 05.08.2019. He provided details of the payment made to the Respondent No.1 Builder as follows:

S.No.	Date	Payment Mode	Amount (Rs.)
1.	15.08.2029	Cash	9,99,000
2.	12.09.2019	Cash	3,00,000
3.	26.09.2019	Cash	4,95,000
4.	09.10.2019	Cash	2,90,000
5.	24.10.2019	Cash	2,70,000
6.	28.10.2019	Cash	3,60,000
7.	27.11.2019	Cash	5,45,000
8.	28.11.2019	Cash	2,00,000
9.	28.12.2019	Cash	4,39,000
10.	13.08.2020	Cash	6,76,000
11.	01.03.2021	Cash	60,000
12.	04.03.2021	Cash	3,00,000
13.	03.03.2020	Cheque No.937762	5,00,000
14.	05.03.2021	Cheque No.590217	3,40,000
15.	06.07.2021	Cheque No.690233	3,50,000

<b>Total:</b>	<b>61,24,000</b>
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4. He submitted that the Respondent Builder i.e., Sri Venkateswara Constructions failed to complete the pending works in the apartment, and that the Complainant had personally spent approximately Rs.2,00,000/- (Rupees Two Lakhs Only) towards Flooring, Cupboards, Wall tiles etc. Subsequently, before registration the managing partners of the Respondent Builder Company passed away in an accident.

5. That on 06.09.2021, Sri Rajaram, Land Owner has visited the Complainant's apartment and have got issued legal notices to Flat Nos. 102, 103 and 105 stating that he did not receive any amount from the Flat owners. However, the Complainant had paid the total sale consideration to the Respondent Builder who has unfortunately died.

6. In lieu thereof, he requested this Authority to direct the landowner, Sri Anjaiah to register the flat in the Complainant's name. However, the Complainant's son, Sri Anil Reddy appeared on 09.08.2023 and submitted that the landowner has already registered the flat in his mother's name on 08.09.2022 vide Document No.4860/2022 before SRO, Saroornagar.

**B. Relief sought:**

7. He accordingly prayed that the works in the flat were still incomplete and submitted photos to establish his case. He further submitted that since he paid an amount of Rs.61,24,000/- (Rupees Sixty One Lakhs Twenty Four Thousand Only) to the Managing Partners of the Respondent Builder Company and they passed

away, he sought refund of the same from the legal heirs of the said managing partners.

**C. Reply on behalf of the Respondents:**

8. This Authority issued Notices dated 04.09.2023 and 12.09.2023 to all the Respondents in the Complaint along with the Complainants to appear before this Authority for hearing. Notices issued to the Respondent No.1 – Sri Venkateshwara Constructions was returned on 25.09.2023 with the note “left” and the Notice to Respondent No.2 – Sri Dontham Sreenivas Reddy was also returned on 27.09.2023 with the note “refused”. The Notice on Sri Anjaiah – Landowner, Respondent No.3 is complete and he appeared before this Authority through his son, Sri Raja Ram.

9. Per contra, on 10.10.2023, Sri Raja Ram, son of Landowner Sri Anjaiah submitted that the flat has already been registered in favor of the Complainant and that the flat belongs to the share of the Landowner and not the Developer’s share and that the registration has been done on 08.09.2022. He filed an Encumbrance Certificate obtained online showing encumbrance of the Complainant’s name on the said flat and also submitted a Memorandum of Understanding dated 08.09.2022 signed by the Complainant and Sri K. Raja Ram wherein following is agreed:

- (a) Sri K. Raja Ram shall register the flat in the name of the Complainant.
- (b) The Complainant agreed to pay an amount of Rs.41,50,000/- (Rupees Forty-One Lakhs Fifty Thousand Only).
- (c) The Complainant agreed to transfer Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only) through RTGS and remaining Rs.16,50,000/- (Rupees Sixteen

Lakhs Fifty Thousand Only) vide Cheque No.258737 dated 07.09.2022 drawn on Canara Bank, Hyderabad.

(d) Sri K. Raja Ram shall withdraw criminal complaint lodged against the Complainant and O.S. No.1006/2021 pending before Ranga Reddy District Courts.

(e) The Complainant shall withdraw O.S. No.1478/2021 pending before Ranga Reddy District Courts.

(f) That the Complainant shall co-operate for getting the NOC for the building from the concerned authorities within 30 days from the date of MOU.

10. Accordingly, this Memorandum of Understanding was signed by both parties and subsequently, another Affidavit was signed by the Complainant, Smt. B. Madhavi categorically stating as under:

*“that after the death of Mr. D. Venugopal, I got registered the aforesaid property in my name and my son’s name and the Sale Deed is executed by Sri K. Raja Ram.*

*That I hereby declare and state that the above mentioned original Agreement of Sale dated 15.08.2019 was misplaced, if it is traced in future date then I will handover the same to Sri K. Rajaram and not going to raise any issues regarding that Agreement of Sale and pertaining to this property, if any issues arise by myself or by my heirs then any legal actions can be taken against me.”*

**D. Observations and Directions of the Authority:**

11. That the parties appeared for hearing on 10.10.2023. the Complainant requested this Authority to call the legal heirs of the Respondent No.1 Builder i.e., son and daughter of Late Sri D. Venugopal Reddy and Late Smt. Kavitha and also

the parents of Late Sri D. Venugopal Reddy who is arrayed as Respondent No.2 i.e., Sri Dontham Srinivas Reddy in the present matter. As noted above, the notice of hearing was refused by him as per the postal acknowledgment, and the son and the daughter have not been arrayed as parties in the present complaint.

12. Admittedly, the Complainant has got the flat registered in its name and she is in occupation. Further, after signing of the above affidavit produced by the landowner, Sri Raja Ram, no claim remains. The Complainant is at liberty to approach other forums for such other reliefs, which are not subject matter jurisdiction before this Authority. Hence the matter is disposed of on the above terms.

13. If aggrieved by this Order, the parties may approach the TS Real Estate Appellate Tribunal (vide G.O.Ms.No.8, Dt.11-01-2018, the Telangana State Value Added Tax Appellate Tribunal has been designated as TS Real Estate Appellate Tribunal to manage the affairs under the Act till the regular Tribunal is established) within 60 days from the date of receipt of this Order.

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

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

**Sd/-**  
**Dr. N. Satyanarayana, Hon'ble Chairperson**  
**TS RERA**