

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

SUO - MOTO – CASE NO.166/2025/TGRERA

20th of February 2025

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

Sri Amritpal Singh
Sri Abhijeet Sinha

.....COMPLAINANT(S)

M/s Aparna Constructions and Estates Pvt Ltd.

.....RESPONDENT(S)

ORDER

The captioned Suo-motu proceedings have been initiated against the Promoter, M/s Aparna Constructions and Estates Pvt. Ltd. (hereinafter referred to as the "Respondent"), in the exercise of powers conferred under Section 35(1) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "RE(R&D) Act, 2016"). These proceedings were initiated through a notice dated 14.02.2025, calling for an explanation regarding certain irregularities alleged by the Complainants.

2. The complainants have made representations before this Authority, alleging the following irregularities in the registered real estate project "Aparna Luxor Park" (Registration No. P02400001260):

- i. Creation of additional parking spaces in violation of sanctioned plans and their subsequent sale.
- ii. Illegal Storage of hazardous materials in the basement area, posing a fire hazard and endangering residents.
- iii. Non formation of Association and Misuse of the Act to influence the formation of the Association by including individuals with vested interests, thereby undermining the majority interests of homebuyers.

3. The Respondent, in its reply, denied the allegations and submitted the following:

- i. With respect to the alleged unauthorized sale of additional parking spaces, the Respondent stated that the project includes 994 parking slots, out of which 912 have been sold to flat owners, 42 are reserved for visitors, and 8 are designated for persons with disabilities. The Respondent further asserted that all parking allocations were made in accordance with approved plans, and the Occupancy Certificate was granted based on compliance with applicable regulations.
 - ii. Regarding the alleged storage of hazardous materials, the Respondent claimed that certain flat owners, including the Complainants, were engaged in interior work and had temporarily stored construction waste in parking areas. The Respondent maintained that such materials were removed daily as part of regular maintenance.
 - iii. On the issue of non-formation of the Association, the Respondent submitted that it is in the process of registering the Association under the Telangana Mutually Aided Cooperative Societies Act, 1995, and that delays were due to lack of cooperation from certain homebuyers.
4. In view of the gravity of the allegations, this Authority deemed it necessary to adjudicate the matter and directed both parties to appear on 20.02.2025 for a hearing. After considering the submissions of both parties and perusing the records, the Authority makes the following observations and findings:

Issue I: Unauthorized Creation and Sale of Additional Parking Spaces:

- i. As per G.O.Ms. 168 dated 07.04.2012, under the Group Housing Scheme, 33% of the built-up area must be allocated for parking, with 30% designated for flat owners and 3% for visitors.
- ii. The sanctioned layout for parking must be adhered to, and allocations must be made strictly as per approved plans.
- iii. Parking slots may be allocated based on transparent process in the presence of the Association and homebuyers.
- iv. RERA will not interfere over the allotment of parking slots unless there is a violation of the sanctioned plan or deviation from the sale agreement

Issue 2: Illegal Storage of Hazardous Materials in the Basement

- i. The photographic evidence submitted by the Complainants indicates that wooden panels & doors and other combustible materials were temporarily placed in some parking areas.
- ii. Given the risk of fire hazards, the Authority directs the Respondent to remove all such stored materials from the parking areas within seven (7) days from the date of this Order.

Issue 3: Non-Formation of Association of Allottees

- i. Section 11(4)(e) of the RE(R&D) Act, 2016 mandates that the Promoter must facilitate the formation of an Association or Society within three (3) months from the date when a majority of allottees have booked their apartments or upon obtaining the Occupancy Certificate.
 - ii. The Occupancy Certificate for the project was issued on 25.09.2023, and the Respondent has admitted that more than 50% of units have been sold.
 - iii. In light of the statutory mandate, the Authority directs the Respondent to complete the process of Association formation within sixty (60) days from the date of this Order. The Complainants and other allottees are directed to extend cooperation for the same.
5. Based on the facts submitted, evidence on record, and the findings given thereon by us as discussed herein above, this Authority directs the following:

1. The Respondent shall remove all unauthorized and combustible materials from the basement within seven (7) days and submit compliance to this Authority.
2. The process of forming the Association shall be completed within sixty (60) days from this Order.
3. The Respondent is directed to strictly adhere to the sanctioned plan and ensure that no deviations occur in violation of competent authority approvals.
4. Failure to comply with above said directions by the Respondent shall attract penalty in accordance with Section 63 of the said Act, 2016.

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