

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

COMPLAINT NO.535 OF 2023

30th Day of March 2024

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

1. Sri Sesha Sai Lingamguntla
2. Sri Shyam Sunder
3. Smt. Venkata Satya Bhavani
4. Sri Prabhakar Goud
5. Sri Pentam Shankaraiah

...Complainants

Versus

1. M/s Infocity Builders
2. Sri P. Ramesh
3. Sri G. Deepti
4. Smt. K. Ramadevi
5. Smt. K. Chilakamma
6. Sri G. V. Ramana
7. Sri M. Buchi Babu
8. Sri L. V. Subbaiah
9. Sri Ch. Venkata Ratnam
10. Sri B. Sarojini Devi
11. Sri Sujithkumar Ananthula
12. Sri Surna Srisailam
13. Sri Kothapalli Veerendhar
14. Smt. Masetti Mounika
15. Sri Konagala Ranjith
16. Smt. Nandi Swathi
17. Ms. Gunapati Sandhya
18. Smt. Anjani Kumari Perla
19. Smt. Chandana Imadisetty
20. Sri Goda Vishnu Mohan
21. Sri Raja Sekhar Pula Venkata
22. Sri Kovelapudi Prasad

...Respondents

The present matter filed by the Complainant herein came up for hearing on 17.10.2023, 08.11.2023 and 23.11.2023 before this Authority in the presence of Counsel for the Complainant, Sri K. Anirudh Reddy & Sri Drupad and Managing

Partner of the Respondent No.1 Builder, Sri U. Balaswamy and none for the remaining Respondents despite service of notice hence, set *ex-parte*, and upon hearing the arguments, 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 appropriate action against the Respondent Builder.

Brief facts of the case:

3. The Complainants submit that they are the owners and possessors of parcel of lands in Sy.No.44/1 situated at Miyapur, Serilingampally Mandal, Ranga Reddy District. The details are enumerated as follows:

S.No.	Name of the Owner	Extent in Sq Yds	Sale Deed Doc. No.
1.	Lingamguntla Seshasai	150	13038/89
2.	Shyam Sundar	208.33	9987/2001
3.	Venkata Satya Bhavani	300	3724/1998
4.	Prabhakar Goud	133.33	5294/2005
5.	Pentam Shankaraiah	200	1686/2005

4. That they have been in continuous possession of the property and while the things stood thus, one Sri P.Ramesh S / o Late Shivaiah, without having valid title and original documents have entered into a Development Agreement with M / s Infocity Builders, a partnership firm represented by its partner Sri U Balaswamy.

5. That after entering into the said DAGPA, M/s Infocity Builders have fraudulently obtained building permission from GHMC by suppressing material facts and with fabricated documents vide permit Dt.20.05.2019 No.1/C21/07924/2019, in File no.1 / C 12/17580 / 2017 and subsequently obtained RERA registration vide No.P02200000674, Dt.29.04.2019 for their project "Infocity Emerald". On perusal of the details mentioned on the TSRERA website, it is found that the said builder did not update court case details on the subject land and has mentioned "NO" under the court case tab in the application submitted to RERA thus violated Rule 14 (1)(a)(iii) of the Rules, 2017 by not mentioning/uploading court case details in the online application.

6. The Complainants approached the GHMC office and lodged a complaint against the Respondents for obtaining building permission with fabricated documents. A Writ Petition was filed against the GHMC and other unofficial respondents praying the Hon'ble High Court to direct the GHMC to take necessary action in the matter. After careful examination of the project by the court monitored committee and the GHMC, the GHMC cancelled the building permission granted in favour of the Sri P.Ramesh & others and M/s Infocity Builders and also consequently cancelled LRS granted to them vide Proceedings.No.1/C12/17580/2017/21, Dt.07.01.2020 under Section 450 of the GHMC Act on the grounds of misrepresentation and suppression of facts.

7. Further, in W.P.No.6252 of 2020 filed by Sri P. Ramesh and others against the Complainants, the Hon'ble High Court has passed status quo orders, Dt.21.04.2020 directing the petitioners (Sri P. Ramesh & others) not to carry out any construction on the subject schedule land until further orders. However, the said petitioners (Sri P. Ramesh & others) in utter disregard of the status quo orders have

carried out construction and sale activities. Aggrieved by this, Sri A. Natarajan (one of the landowners & Complainant) has filed a contempt case vide CC.No.7 of 2021 against Sri P. Ramesh and others for violating the status quo orders, Dt.21.04.2020 in W.P.No.6252 of 2020 which is pending for adjudication.

8. Furthermore, it is submitted that on a parallel track, aggrieved by the fraudulent acts of Respondent No.1 Builder, the Complainant filed individual suits vide OS Nos. 349, 350, 351, 445, 529, 818 of 2010 & OS No.225 of 2011 against Sri P.Ramesh, M.Pentesh and Chintapatla Kondal Ro before XIV Addl. District and Sessions Judge, Ranga Reddy District, LB Nagar seeking declaration of title and recovery of possession wherein a common judgment was passed in the said suits on 03.10.2018 dismissing the suits. Aggrieved by the dismissal of suits we have filed Appeal Suits vide AS Nos. 1637 & 1638 of 2018 and AS No.235 of 2019 challenging the common judgment before the Hon'ble High Court which is pending for adjudication.

9. Accordingly, they submitted that following are the violations committed by the Respondent No.1 Builder:

- a. Builder has violated Rule 14 (1)(a)(iii) of the Rules, 2017 by not mentioning/uploading court case details in the online application for registration of project with RERA.
- b. Builder is involved in unfair practice or irregularities by developing a project without having valid title and in violation of Hon'ble High Court interim orders.
- c. Even after cancellation/revoking of building permission by GHMC, and the status quo orders of Hon'ble High Court being in force, the Builder has proceeded with the construction activities over the subject land.

Reliefs Sought:

10. In view of the above, it was prayed for the following reliefs:

- a. *To cancel/ revoke the registration of the project u / s 7 of the Act, 2016 as the building permission and LRS were already cancelled by GHMC which was confirmed by the Hon'ble High Court in the interim orders.*
- b. *To penalise the builder u / s 61 of the Act for violating Rule 14 (1)(a)(iii) of the Rules, 2017 by not mentioning/uploading court case details in the online application for registration of project with RERA.*

11. Along with the Complaint, they have filed Sale Deeds of the Complainants, Cancellation of building permission by GHMC vide Proceedings.No.1/C12/17580/2017/21, Dt.07.01.2020, *Status Quo* orders of the Hon'ble High Court in W.P.No.6252 of 2020, Contempt Case CC No.7 of 2021, AS No. of 2018.

Notice to the Respondent:

12. Accordingly, vide Notice dated 24.07.2023, served upon the Respondents, this Authority directed the Respondents to submit a reply in terms of Rule 34 (1) & (2) of the Rules, 2017 along with such other information with regard to the Project.

13. Subsequently, only the Respondent No.1 Builder, vide Reply dated 08.08.2023, submitted that all the allegations levelled by the Complainants are false and untenable and deserves no consideration, as such the averments made by the Complainants are hereby denied for want strict proof and the complaint is liable to dismissed for want of *locus standi*, as the Complainants are not having any interest

in the project registered RERA and they are not the buyers of any unit in the subject project.

14. He submitted that the dispute between the Complainants and Respondents are being dealt with Civil Courts, since the dispute is a title dispute and the Complainants wrongfully claiming the interest and title over the lands held by Respondents and they lost their suits in the lower court and the Appeals are pending before the High Court and no stay or injunction orders were granted by the Hon'ble High Court in the said appeals. Further, after perusal of all papers and documents, GHMC has granted permission and thereafter we obtained the Registration Certificate from RERA and there was no fabrication as alleged by the Complainants.

15. He added that to harass the Respondents herein, the Complainants has made false complaint before GHMC and the GHMC has suspended the permission and the matter has been carried out by us to the High Court for State of Telangana and the Hon'ble Court has granted interim relief in W.P.No.6252/2020 and 6267/2020 and the Hon'ble Court has granted liberty to the Respondents to carry out the construction activities, however the construction shall be subject to outcome of the W.P.No.6252 and 6267/2020 dated 15-06-2020. As such there was no violation done by the Respondents herein.

16. The Respondent No.1 Builder submitted that the Complainants without having any right, title or interest over the properties enjoyed by the Respondents herein have filed Suits vide Nos.350, 351, 445, 529, 818/2010 and O.S.No.225 of 2011 against some of the Respondents on the file of XIV Addl. District and Sessions Judge, R.R. District and after elaborated trial, the Hon'ble Court pleased to dismiss the said suits. Against which the Complainants herein have filed appeals vide AS

Nos. 1637 and 1638 of 2018 and A.S.No.235 of 2019 and the same are pending, but in those appeals no orders were granted. As such there was no hurdle to the Respondents to continue the construction activities in the approved project.

17. He submitted that no violations were committed by the Respondents as mentioned by the Complainants herein and the orders of cancellation/revocation of the building permission by GHMC has been suspended by the High Court for State of Telangana and the W.P. is still pending for adjudication. Accordingly, he prayed for dismissal of the present complaint.

Hearing Conducted:

18. That the matter was called for hearing on 17.10.2023 when the Complainants was present and reiterated the contents of the Complaint. As the Respondent was absent, the matter was adjourned to 08.11.2023. On the said date, the Complainants were present again and filed an Interlocutory Application numbered as I.A. No.1/535/2023/TSRERA in which additional documents such as Orders passed in Writ Petition No.6252/2020 & 6257/2020 along with encumbrance and registered sale deeds executed by the Respondent No.1 Builder were produced alleging that without having a valid GHMC permission, the Respondent No.1 Builder proceeded to enter into sale transactions. The Complainants, in the said I.A also prayed for impleadment of 12 parties in whose favor the sale deeds were executed by the Respondent No.1 Builder.

19. Notice was issued on the said Application and as parties, despite notice being served on Respondent Nos.2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17 and 22 and returned for the remaining Respondents, the above-mentioned Respondents

failed to appear before the Authority. Therefore, the said I.A. was allowed and Respondent Nos.2 to 22 are set *ex-parte* vide Order dated 23.11.2023.

20. This Authority reserved the matter for orders.

21. Vide Reply dated 29.11.2023 to I.A. No.1/535/2023/TSRERA, Respondent No.1 Builder reiterated the contents of its Reply dated 08.08.2023 and submitted that the I.A seeking impleadment of the proposed Respondent Nos.11 to 22 is liable to be dismissed in *limine* and since the Complainants themselves have no *locus standi* to file the main case, the present application is liable to be dismissed. He submitted that there are civil disputes between the Complainants and Respondents since a long time and the suit for declaration vide O.S. No.351, 445, 529, 350, 818/2010 and O.S.No.225 of 2011 against some of the Respondents on the file of XIV Addl. District and Sessions Judge, R.R. District and after elaborated trial, the Hon'ble Court was pleased to dismiss the suits filed by the present Petitioners/Complainants and they preferred Appeals vide AS Nos. 1637 and 1638 of 2018 and A.S.No.235 of 2019 on the file of Hon'ble High Court for State of Telangana and the same are pending and no injunction or stay has been granted by the Hon'ble High Court in the above said appeals.

22. He submitted that the Hon'ble High Court has given liberty to the Respondent No.1 herein to proceed with the construction. Further, that the Complainants have intentionally and deliberately suppressed material facts with regard to the title dispute between them and the Respondents herein, to bring the present complaint and I.A. within the ambit of RERA act and applicable rules. He added that they are neither the owners nor *pattadars* of the subject land and they are not qualified as "Aggrieved Persons" under Section 31 of the Act. Further, there are pending appeals

filed by the Complainants before the Hon'ble High Court for State of Telangana vide A.S.Nos. 1637 and 1638 of 2018 and A.S.No.235 of 2019, which are pending for adjudication. Further the Respondent herein obtained the permissions and sanctions from the competent authorities in fact initially those were revoked but the Respondent herein and other respondents approached the Hon'ble High Court and got suspended the revocation orders and the said Writ Petitions are still pending for adjudication and there were no orders against the Respondents for not making any constructions or any alienations thereof.

23. The Respondent No.1 submitted that the Complainants have not got any substantiative right or title to the property and have not got any reliefs from the Hon'ble High Court in the appeals filed by them, have filed the instant case as well as the present I.A. with false and malicious intents to cause hardship to the Respondents and proposed Respondents.

24. He submitted that the Complainants cannot be termed as "AGGRIEVED PERSON" as stipulated in the Act and they won't fall in any categories, which include being any allottee, association of allottees or a voluntary association. In fact, the Complainants are unsuccessful claimants of the subject land as per the Judgement and Decree in O.S. No. 350, 351, 445, 529, 818/2010 and O.S.No.225 of 2011 rendered by Hon'ble XIV Addl. District and Sessions Judge, R.R. District. And the important and crucial paragraphs of the Judgement are as follows for assisting this Hon'ble Authority to take a just and fair and impartial decision:

Page 31 - *"Therefore, this Court holds that, plaintiffs (complainants herein) cannot get title over the suit plots under such Ratifications Deeds, Therefore, Issue No.1 is decided against the Plaintiffs".*

Page 32 Para 29 Later portion - *"They further contend that, their land is quiet different from the plots purchased by the plaintiffs (complainants herein). Plaintiffs are illegally claiming the lands belonging to the defendants (some of the Respondents herein). In this regard, PW1 himself in his cross examination deposed that, Basith Khan (who sold land to the Complainants and some of the Respondents) filed affidavit before JCJ, Miyapur stating that, the suit land is different from the land belonging to the defendants."*

Page 33 & 34 Para 30, 31, 32, 33, 34 & 35 - *"PW3 in his cross examination deposed that, Plaintiff is my neighbouring plot owner. My plot want not occupied by any defendants. I have got my own layout. My plot, plots of plaintiffs of these batch cases are adjacent to one another. I do not know whether PW2 sold 30 guntas of land to defendants. I have no documentary proof to show that, said schedule plots are located in the land held by defendants"*.

"The evidence of PW3 is important since he is the owner of one of the plots. PW3 has not stated anywhere that, defendants have occupied the lands belonging to plaintiffs. Plaintiffs themselves failed to prove about location of their plots in the suit survey numbers. They have not filed approved layout map into the court. On the other hand, defendants have filed sufficient documents to prove the possession of defendants over 30 guntas of land purchased by defendants".

"The land purchased by defendants is separate and distinct. Since the plaintiffs claiming their title, it is their primary duty to get the land surveyed through official surveyor and to demarcate the plots belonging to plaintiffs. Plaintiffs have not taken any such steps in this regard. Plaintiffs have also not explained

the reason for not taking any such steps to locate the suit schedule plots on the spot."

"Plaintiffs themselves failed to locate their own plots by adducing proper evidence including layout into the court and therefore, they cannot claim that their plots are occupied by defendants. On the other hand, defendants filed their own documents to prove their possession over the land an extent of 30 guntas purchased by them".

"For the foregoing reasons, this Court finds no merit in the contention of the plaintiffs. Therefore, plaintiffs cannot seek eviction of the defendants from the suit schedule properties. Therefore, issue No.2 also decided against the plaintiffs".

"Since this issue is decided against the plaintiffs, plaintiffs are not entitled to seek perpetual injunction in respect of suit properties. Therefore, issue no.3 is also decided against the plaintiffs."

"IN THE RESULT, suits of the plaintiffs in OS 350/2010, 349/2010, 351/2010, 352/2010, 445/2010 529/2010 818/2010 and 225/2011 are dismissed without costs".

25. In conclusion, he prayed to dismiss the I.A and the main case by imposing exemplary costs on the Complainants for filing frivolous and false case against the Respondents by wasting the precious time of this Authority and for causing hardship to the Respondents herein.

Rejoinder on behalf of the Complainant No.1:

26. The Respondent, vide Rejoinder dated 29.11.2023 to the Reply dated 29.11.2023 to I.A. No.1/535/2023/TSRERA, submitted that the Counter/Reply framed and filed is misconceived and false. That Respondent No. 1 in the main case has suppressed the material facts and fraudulently filed for registration with this Hon'ble Authority. Respondent No. 1 builder is developing the project by suppressing true facts that the building permission and layout permission granted in their favour have been cancelled. The Complainant No. I have an interest in the land upon which the illegal constructions are being made and Respondent No. 1 suppresses the same and is selling the properties to various purchasers and cheating them. The Complainant No. I have got *locus standi* to file the present case being the landowner and the averment that the present application is liable to be dismissed is misconceived and baseless.

27. It was submitted that the Hon'ble High Court vide W.P.No.6252 of 2020 and W.P.No. 6267 of 2020 in its order dated 15.06.2020 warned the Respondents that the constructions that are being made on the subject property are at the risk and cost of the Respondents (i.e., Petitioners therein) and only upon the undertaking to clear the site in the event the Hon'ble High Court finding that the said constructions made are illegal and unauthorized. That the Hon'ble High Court in its order dated 15.06.2020 has nowhere granted permission to the Respondents to alienate the subject property and Respondent No. 1 taking advantage and misinterpreting the said order had illegally alienated the property. Thus, the illegal alienation by Respondent No. 1 has acted against the orders of the Hon'ble High Court with the sole intention of defrauding.

28. It was submitted that a perusal of the Orders dated 21.04.2020 in Writ Petition Nos. 6252 and 6267 of 2020 passed by the Hon'ble High Court would evidence that the Hon'ble High Court only granted status quo orders with respect to Respondents therein, i.e., Government Authorities to not carry out demolition and the Respondent No. 1 herein to not carry out any construction till the disposal of the writ petitions or passing of further orders. Thereafter, the said orders in Writ Petition Nos. 6252 and 6267 of 2020 were modified vide Orders dated 15.06.2020 and status quo (only limited to demolition) were extended for another 12 weeks and it was made clear that constructions being made are at the risk and cost of the Respondents herein, who undertook to clear the site in the event of the Hon'ble High Court finding that the construction made is illegal and unauthorized. That the said order has not been extended by the Hon'ble Court thereafter.

29. It was submitted that taking advantage of the said order of the Hon'ble High Court suppressing the said fact that building permission and layout permission have been cancelled, Respondent No. 1 has completed the construction and is also selling flats to third parties. A perusal of the sale deeds filed by the Complainant would evidence that Respondent No. 1 has stated the building permission bearing no. 1/C12//07924/2019 dated 20.05.2020 and suppressed the fact that the same has been suspended vide Proceeding No. 1/C12/17580/2017/21 dated 07.01.2020. Also, Respondent No. 1 has falsely averred in the sale deed that the property sold is free of all disputes and there are no encumbrances over the project, which is patently false and incorrect.

30. It was submitted that the Respondent No.1 has himself agreed that there are civil disputes between the Complainant No. 1 and Respondents and also regarding the existence of Writ Petitions filed before the Hon'ble High Court which was earlier

suppressed from this Hon'ble Authority while filing for registration and is now illegally selling flats to third parties and deceiving the purchasers as though there are no title disputes and permissions obtained have been cancelled.

31. It was submitted that the GHMC revoked its permission due to misrepresentation and suppression of material facts by the Respondent No. 1 Builder. The Respondents herein have approached the Hon'ble High Court challenging the revocation order and obtained a status quo order, but no such suspension against the said revocation orders was granted. The said interim status quo order was last extended vide order dated 15.06.2023 in WP No. 6252/2020 & WP No. 6267/2020 and the same was extended only until twelve (12) weeks, which was never extended thereafter. Further, that the said interim order never granted liberty to Respondent No. 1 to construct and/or alienate the property, whereas the Respondent No. 1 builder was merely constructing the project at its own risk and cost.

32. It was submitted that Complainant No. 1 being the owners/possessors of his extent of land holdings, has an interest in the property on which the Respondent No. 1 builder is constructing the real estate project "Infocity Emerald". Hence, the Complainant No. 1 herein are aggrieved persons for the violation of the provisions of the RERA Act and the rules and regulations of this Hon'ble Authority.

33. In conclusion, he prayed for RERA registration for "Infocity Emerald" to be revoked and to penalise the builder u/s 61 of the Act for violating Rule 14 (1)(a)(iii) of the Rules, 2017 for not mentioning/uploading court case details in the online application for registration of project.

Observations and Directions of the Authority:

34. The Complainants before this Authority claim that they are the owners and possessors of parcel of lands in Sy.No.44/1 situated at Miyapur, Serilingampally Mandal, Ranga Reddy District by virtue of Sale Deed Document Nos. 13038/89, 9987/2001, 3724/1998, 5294/2005 and 1686/2005 respectively. Complainant filed individual suits vide OS Nos. 349, 350, 351, 445, 529, 818 of 2010 & OS No.225 of 2011 against Sri P.Ramesh, M.Pentesh and Chintapatla Kondal Rao before XIV Addl. District and Sessions Judge, Ranga Reddy District, LB Nagar seeking declaration of title and recovery of possession and vide a common judgment dated 03.10.2018, the said suits were admittedly dismissed. Aggrieved, they filed Appeal Suits vide AS Nos. 1637 & 1638 of 2018 and AS No.235 of 2019 before the Hon'ble High Court which is pending adjudication.

35. *Per contra*, the Respondent No.1 Builder submits that Complainants have no *locus standi* to file the present complaint. He added that they are neither the owners nor *pattadars* of the subject land and they are not qualified as "Aggrieved Persons" under Section 31 of the Act. That the Complainants have not got any substantive right or title to the property and have not got any reliefs from the Hon'ble High Court in the appeals filed by them. That the Complainants won't fall in any categories, which include being any allottee, association of allottees or a voluntary association and therefore, cannot be aggrieved person under the Act, 2016.

36. However, the very question as to whether the Complainants herein landowners to the said parcel of land is pending adjudication before the Hon'ble High Court and in view of the same, this Authority cannot make any observations at a nascent stage.

37. Now, upon receipt of a complaint on behalf of the Complainants herein and subsequent filing of a Writ Petition before the Hon'ble High Court of Telangana, the GHMC cancelled the permission vide Proceedings No.1/C21/07924/2019, in File No.1 / C 12/17580 / 2017 Dt.20.05.2019 accorded to the Respondent No.1 Builder vide Proceedings.No.1/C12/17580/2017/21, Dt.07.01.2020 under Section 450 of the GHMC Act on the grounds of misrepresentation and suppression of facts.

38. Upon scrutiny of the said Order of the GHMC it is apparent that the Respondent failed to submit relevant details of the O.S. Nos. 349, 350, 351, 445, 529, 818 of 2010 & OS No.225 of 2011 before the GHMC, and therefore, for suppression of facts the said Building Permission was revoked by the competent authority. Upon scrutiny of the sale deeds and the encumbrance certificate filed by the Complainants, it is also apparent that the details of the litigation were not disclosed to the said allottees in abject violation of Rule 38 of the Rules, 2017. Clause 8(1)(v) of the Annexure "AGREEMENT FOR SALE" to Rule 38 categorically provides that the pending litigation on the land be intimated to the potential allottee.

39. Further, even though the said sale deeds were executed consequent to the revocation of the GHMC Building Permission dated 07.01.2020 such as in the year 2021 and 2022 as per the documents filed by the Complainants, no such intimation of such revocation was stipulated in the Sale Deed, thus showcasing fraud upon the Respondent No.1 Builder. Therefore, exercising its powers under Section 60 and 61 read with Rule 14(1)(a)(iii) of the Rules, 2017, this Authority imposes penalty of Rs. Rs.4,79,998/- (Rupees Four Lakhs Seventy-Nine Thousand Nine Hundred and Ninety Eight Only) on the Respondent No.1 Builder for not disclosing the factum of pending litigation to the allottees payable within 30 days in favour of TS RERA FUNDS through Demand Draft or online payment to A/c No.50100595798191,

HDFC Bank, IFSC Code: HDFC0007036, failing which appropriate action under Section 63 will be initiated against the Respondent No.1 Builder.

40. However, the Complainant has also brought to the attention of this Authority orders passed by the Hon'ble High Court in Writ Petition Nos.6252/2020 and 6267/2020, wherein it is apparent that the matter is *sub-judice* before the Hon'ble High Court and therefore, any relief prayed for by the Complainants shall be subject to the result of the above-mentioned Writ Petitions.

41. As the Hon'ble High Court in W.P. Nos.6252/2020 and 6267/2020 has observed that *"it is made clear that the construction that are being made are at the risk and cost of the petitioners, who undertake to clear the site in the event of this court finding that the construction made are illegal and unauthorised."* In the event of an judgment rendered against Respondent No.1 Builder, any structure erected by said entity shall be deemed unlawful as determined by the court. Accordingly, allottees or prospective allottees are cautioned against assuming risks associated with investing in or booking flats within said structure. Should demolition be compelled by the Greater Hyderabad Municipal Corporation (GHMC) pursuant to a court-issued directive, allottees face potential financial losses.

42. In view of the above, the RERA Registration granted to the Respondent No.1 Builder bearing Rgn. No. PO2200000674, dt.29.04.2019 for their project "Infocity Emerald" is kept in abeyance to protect interests of the allottees. If allottee prefers to withdraw from the allotment in the Project "Infocity Emerald", the Respondent No.1 Builder has to refund the amounts paid by the Complainants with interest in accordance with the provisions of the Act and the Rules thereunder.

43. The Respondent is made aware that, in the event that the Appeal Suits pending before the Hon'ble High Court filed by the Complainants are decided in favour of the Complainant, and they are declared as the landowners, the Respondent shall be responsible to compensate the allottees in the Project in accordance with Section 18(2) which provides that *“(2) The promoter shall compensate the allottees in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under this Act, and the claim for compensation under this sub-section shall not be barred by limitation provided under any law for the time being in force.”*

44. In lieu of the foregoing directions and observations, the present complaint stands disposed of. Any miscellaneous applications thereto stand disposed of.

45. 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) in accordance with Section 44 of the Act, 2016.

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