

**BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY**

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

***Complaint No. 257 of 2024***

***24<sup>th</sup> of July, 2025***

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

Ms. Archana Dhanasetty  
D/o Mr. Dhanasetty Venkata Ramana,  
Residing at H.No. 39-B, Bansilalpet,  
Near Bible House, RP Road,  
Secunderabad – 500003, Telangana.

...Complainant

Versus

1. M/s. Bhuvanteza Infraprojects Private Limited  
Regd. Office: H.No. 8-2-348/7/6, Road No.2,  
Nagarjuna Hills, Punjagutta,  
Hyderabad – 500082, Telangana.  
Represented by its Managing Director
2. Mr. Jerripothula Phane Bhushana Rao  
R/o Flat No. 401, Sirish Enclave,  
1-1-401/1/1, Gandhi Nagar,  
Near Andhra Café,  
Secunderabad – 500080, Telangana.
3. Mr. Chekka Venkata Subrahmanyam  
R/o Flat No. C-110, Jayabheri Orange County,  
Road No.2, Financial District, Nanakramguda,  
Telangana – 500032.
4. Smt. Chekka Bhagya Lakshmi  
R/o Flat No. C-110, Jayabheri Orange County,  
Road No.2, Financial District, Nanakramguda,  
Telangana – 500032.

...Respondents

The present matter filed by the Complainant mentioned herein above came up for final hearing on 27.03.2025 before this Authority in the presence of Complainant in person and no representation made from the Respondent. Upon hearing the submissions of the Complainant, this Authority proceeds to pass the following **ORDER**:

2. This 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”) seeking appropriate action against the Respondents.

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

3. The complainant entered into an Agreement of Sale dated 09.05.2022 with the respondent developer, M/s. Bhuvanteza Infraprojects Pvt. Ltd., for the purchase of a residential flat bearing No. 511, in A-Block, on the 5th Floor, measuring 2000 square feet, in a proposed residential apartment project titled “Happy Homes Phase - I (Shamirpet)” to be developed at Survey No. 685/G/2, Shameerpet Village, Shameerpet Mandal, Medchal-Malkajgiri District, Telangana State. The total sale consideration agreed was ₹47,00,000/-, which was fully paid by the complainant through a combination of cash and cheques.

4. As per the terms of the agreement, possession was to be handed over within 36 months from the date of obtaining building permission from HMDA, with an additional grace period of six months. However, the respondent failed to comply with the obligations under the agreement. The complainant has alleged that despite having paid the entire sale consideration, no progress was made in the construction or delivery of possession. Aggrieved by this inaction and delay, the complainant has sought refund of the total amount of ₹47,00,000/- along with 12% interest per annum from the date of final payment.

**B. Relief Sought:**

5. In view of the facts and circumstances set out in the complaint, the Complainant respectfully prays that this Hon’ble Authority may be pleased to:

- i. Direct the Respondents to refund the entire sale consideration amount of ₹47,00,000/- (Rupees Forty-Seven Lakhs only) paid by the Complainant towards the purchase of Flat No. 511, A-Block, 5th Floor in the proposed project “*Happy Homes Phase – I (Shamirpet)*”;
- ii. Award interest at the rate of 12% per annum on the said amount from the date of final payment till the date of actual refund, in accordance with the provisions of Section 18(1) of the Real Estate (Regulation and Development) Act, 2016;
- iii. Pass such other and further orders as this Hon’ble Authority may deem fit and proper in the interest of justice and equity.

**C. Points to be determined:**

6. In view of the facts and the reliefs sought, the following questions came up for consideration before this Authority:

- I. Whether the Respondent has violated the provisions of the RE(R&D) Act, 2016?
- II. Whether the Complainant is entitled to the relief sought? If so, to what extent?

**D. Observations of the Authority:**

7. Before getting into the observations, this Authority takes due note of the recurring conduct of the Respondents herein, who have failed to appear before the Bench despite being issued multiple notices and opportunities to appear. Therefore, have been set *ex-parte* and the following observations have been made from the submissions of the Complainants, documents and pleadings placed on record.

**Point I**

8. Upon careful perusal of the material available on record and the submissions made, it is evident that the subject project titled "*Happy Homes Phase – I (Shamirpet)*", being developed by the Respondent-promoter M/s. Bhuvanteza Infraprojects Private Limited, has not been registered with the Telangana Real Estate Regulatory Authority, as mandated under the provisions of the Real Estate (Regulation and Development) Act, 2016.

9. It is pertinent to note that as per the Agreement of sale dated 09.05.2022, executed between the Complainant and the Respondent-promoter, the project is being developed over a parcel of land comprising several agricultural extents situated at Survey No. 685/G/2, Shameerpet Village, Shameerpet Mandal, Medchal–Malkajgiri District, Telangana. It can be clearly observed that the Respondent-promoter proposes to develop a residential apartment project over a composite extent of Ac. 3–66 guntas of agricultural land. This includes: Ac. 2–39 guntas acquired under Document No. 3/2020; Ac. 0–13 guntas acquired under Document No. 53/2020; and Ac. 0–14 guntas acquired under Document No. 54/2020.

10. The total extent of the said project land, approximately 14,764 square meters, is far in excess of the minimum threshold of 500 square meters prescribed under Section 3(2)(a) of the RE(R&D) Act, 2016. Hence, the project squarely falls within the ambit of mandatory registration with the Authority prior to any advertisement, offer for sale, marketing, or allotment.

11. This Authority takes judicial notice of the fact that the same project was earlier the subject matter of adjudication in Complaint Case No. 286 of 2024, wherein this Authority recorded a clear finding that the Respondent-promoter had violated Section 3 of the RE(R&D) Act, 2016 by proceeding with development and sale without registering the project. A penalty was accordingly imposed for such contravention.

12. Furthermore, it is reiterated that the Respondent herein, M/s. Bhuvanteza Infraprojects Private Limited, has already been declared a defaulter under the provisions of the RE(R&D) Act, 2016 vide the common order passed in Complaint Case Nos. 264 to 268 of 2024. In consequence thereof, all developmental activities in the impugned project and all other projects undertaken, developed or marketed by the Respondent stand ceased, and the Respondent is restrained from undertaking or continuing with any construction, marketing, or sale in respect of the said projects unless and until it is brought into compliance with the statutory requirements of the Act and the directions issued by this Authority.

13. In view of the earlier findings of this Authority, and in deference to the principle against double jeopardy in the imposition of penalties, no additional penalty under Section 59 of the Real Estate (Regulation and Development) Act, 2016 is being levied in the present matter for the same violation. Respondent No.1 is hereby directed to comply forthwith with the directions issued in Complaint Case No. 286 of 2024 and to remit the penalty imposed for the non-registration of the subject project without any further delay.

14. Any continued failure, neglect, or refusal on the part of the Respondent-promoter to strictly adhere to and implement the directions issued in the aforementioned proceedings shall render the Respondent-promoter liable for appropriate penal consequences. Accordingly, this Authority makes it unequivocally clear that any further act of non-compliance shall attract penal proceedings under Section 63 of the RE(R&D) Act, 2016 for wilful disobedience of the orders passed by this Authority.

## **Point II**

15. On careful perusal of the Agreement of sale dated 09.05.2022 and supporting receipts, it is established that the Complainant has paid the full consideration of ₹47,00,000/- for Flat No. 511, A-Block, 5th Floor in the proposed project "*Happy Homes Phase – I (Shamirpet)*". Clause 2 of the said agreement provides for delivery of possession within 36 months from the date of obtaining building permission from HMDA, with a grace period of six months.

However, no evidence has been brought on record by the Respondents to demonstrate that such permission has been obtained or that construction has commenced.

16. In the given circumstances, the conduct of the Respondent-promoter amounts to a failure to complete the project and hand over possession as agreed, attracting the consequences under Section 18(1)(a) of the RE(R&D) Act, 2016 which reads as follows:

*“If the promoter fails to complete or is unable to give possession of an apartment, plot or building,*

*(a) in accordance with the terms of the agreement for sale or, as the case may be, duly completed by the date specified therein; or*

*(b) due to discontinuance of his business as a developer on account of suspension or revocation of the registration under this Act or for any other reason,*

*he shall be liable on demand to the allottees, in case the allottee wishes to withdraw from the project, without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building, with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act.”*

17. The continued inaction and absence of progress clearly amount to a breach of the contractual terms and obligations under the Agreement of sale, as well as a violation of the statutory obligations imposed upon the promoter under the RE(R&D) Act, 2016. In the instant case, the Complainant has justifiably elected to withdraw from the project due to the Respondent's default and seeks refund with interest. Accordingly, this Authority holds that the Complainant is entitled to a refund of the entire amount of ₹47,00,000/- under Section 18(1)(a) of the RE(R&D) Act, 2016.

18. However, the Complainant has claimed interest at the rate of 12% per annum, it is clarified that this Authority is bound to award interest strictly in accordance with Rule 15 of the Telangana Real Estate (Regulation and Development) Rules, 2017, which governs the rate of interest payable by either party. Rule 15 states as follows:

*“The rate of interest payable by the promoter to the allottee or by the allottee to the promoter, as the case may be, shall be the State Bank of India highest Marginal Cost of Lending Rate plus two per cent.”*

19. In view of the above, this Authority holds that the Complainant is entitled to a refund of the entire amount, along with interest at the rate of SBI MCLR + 2%, from the date of final payment till the date of actual refund, in conformity with Section 18(1)(a) of the RE(R&D) Act, 2016 read with Rule 15 of the TG RE(R&D) Rules, 2017.

**E. Directions of the Authority:**

20. This Authority, vide the powers vested under Section 37 of the RE(R&D) Act, 2016, passes the following directions:

- i. The Respondent No.1-promoter, M/s. Bhuvanteza Infraprojects Private Limited, is hereby directed to refund the entire sale consideration amount of ₹47,00,000/- (Rupees Forty-Seven Lakhs only) received from the Complainant towards Flat No. 511, A-Block, 5th Floor in the proposed project “Happy Homes Phase – I (Shamirpet)” within (30) thirty days from the date of receipt of this order.
- ii. The above refund shall be made along with interest at the rate of State Bank of India’s highest MCLR 8.80% + 2%, i.e, 10.80% interest, calculated from the date of final payment made by the Complainant till the date of actual refund, strictly in terms of Section 18(1)(a) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 15 of the Telangana Real Estate (Regulation and Development) Rules, 2017.
- iii. The Respondent No.1 is directed to comply with the directions issued in Complaint Case No. 286 of 2024, and remit the penalty of Rs. 6,45,750 (Rupees Six lakhs forty-five thousand seven hundred and fifty only), imposed therein for non-registration of the project, “Happy Homes Phase I”, in favour of TGRERA FUND through a Demand Draft or online payment to A/c No. 50100595798191, HDFC Bank, IFSC Code: HDFC0007036;
- iv. The Respondents are hereby informed that failure to comply with the directions issued herein shall attract further penal consequences under Section 63 of the RE(R&D) Act,2016.

21. Accordingly, the complaint stands disposed of. 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**

Sd/-  
**Dr. N. Satyanarayana, IAS(Retd.),**  
**Hon’ble Chairperson**  
**TG RERA**