

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

COMPLAINT NO.44 OF 2024

23rd September, 2024

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

Sri V Mahesh Kumar

...Complainant

Versus

M/s MNR Infra

...Respondent

The present matter filed by the Complainant herein came up for final hearing on 13.08.2024 before this Authority in the presence of the Complainant appeared in person, while the Respondent, despite due notice, failed to appear for any of the hearings. Upon hearing the submissions advanced by the Complainant and considering the material available on record, this Authority proceeds to pass 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 "RE(R&D) Act" read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") seeking directions from this Authority to take action against the Respondent.

A. Brief Facts on behalf of the complainant:

3. The Complainant purchased a flat measuring 2,190 square feet near Wonderla under a pre-launch offer from the Respondent at the rate of Rs. 2,200 per square foot. The Complainant paid an advance of Rs. 2, 00,000/- through NEFT to the Respondent. It was mutually decided between the parties that the remaining balance of the consideration amount would be paid after the Respondent obtained the Layout Permission (LP) Number, which was expected to be received within 6 to 8 months. Despite repeated

assurances, the Respondent failed to secure the requisite permissions to proceed with the project within the stipulated time frame. The Complainant, upon noticing a lack of progress in the project, continuously inquired about the status. In response to the Complainant's persistent demands for clarity, the Respondent unilaterally cancelled the flat registration and assured the Complainant that the advance amount of Rs. 2,00,000/- would be refunded shortly. However, despite these assurances, the Respondent has failed to refund the amount to date. Aggrieved by the Respondent's actions, the Complainant approached this Authority, seeking relief by way of a direction to the Respondent to refund the sum of Rs. 2,00,000/-.

B. Proceedings before the Authority:

4. After the registration of the complaint, notices were issued to the Respondent and in addition, the Complainant affixed a copy of the notice on the front door of the Respondent's premises as part of the service. However, the Respondent remained absent during hearings held on 12.06.2024, 11.07.2024 and 13.08.2024. As a result, the Respondent was placed ex parte.

5. The present matter was listed for hearing on 12.06.2024. During the said hearing, the Complainant reiterated the submissions made in the complaint and urged the Authority to direct the Respondent to return the advance amount. The Authority, after hearing the Complainant, directed him to submit documentary evidence substantiating his claim, including proof of the payment of Rs. 2,00,000/- towards the said project of the Respondent. The Complainant was specifically asked to furnish relevant documents such as a payment receipt, booking letter, or sale agreement to establish his status as an allottee and the purpose of the said payment. On the subsequent date of hearing, the Complainant failed to provide any such documents or evidence to support his claim.

C. Observations of the Authority:

6. After examining the material on record, it is evident that the Complainant has not produced any documentary evidence to substantiate

the payment of Rs. 2, 00,000/- as an advance towards the purchase of a flat in the Respondent's project.

7. The Authority had granted ample opportunity to the Complainant to produce supporting documents, such as the booking letter/ sale agreement, or payment receipt, which would establish that the amount paid was indeed for the purpose of purchasing the said flat.

8. In the absence of such evidence, the Authority is constrained to observe that the Complainant has failed to prove his claim that he was an allottee in the project or that the payment made to the Respondent was for the purchase of the flat.

9. In light of the above facts and circumstances, the Authority is of the opinion that the Complainant has failed to substantiate his claim through documentary evidence.

10. Accordingly, the complaint is dismissed for lack of proof.

11. However, the dismissal of this complaint does not preclude the Complainant from approaching the Authority or any other forum with appropriate evidence in the future, should such evidence become available.

12. In the event any party is aggrieved by this Order, they may file an appeal before the Telangana Real Estate Appellate Tribunal, as per Section 44 of the RE(R&D) Act, within 60 days from the date of receipt of this Order.

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