

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

**COMPLAINT NO.379 OF 2020**

**27<sup>th</sup> Day of September, 2023**

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

Syed Mahamood

...Complainant

Versus

1. M/s Vertex Homes Pvt. Ltd.

2. Sri M. S. Ramakrishnam S/o Late M.S. Raju

...Respondent

The present matter filed by the Complainant herein came up for hearing on 29.08.2023 and 20.09.2023 before this Authority in the presence of Sri Krishnam Raju, GPA Holder of the Complainant attended virtually, and Sri A. Sriganesh, Advocate on behalf of the Respondent 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") seeking directions from this Authority to take action against the Respondent.

**A. Facts of the Complaint:**

2. The facts of the case, in brief, are that the Complainant is the son of Late Syed Jahangir. His Late father acquired land in Sy. Nos.7, 9, 115, 16, 118, 142, 63, 80, 100, 141, 112, 163, 124, 78, 81, 48, 122, 110, 25 and 112 total extent of land Ac.40-39 Gts at Hydernagar Village, Kukatpally Mandal, previously comes under Balanagar

Mandal, Ranga Reddy District, Now Medchal-Malkajgiri District. His father died intestate leaving behind his legal heirs namely, the Complainant, Fatima Bee, Syed Khaja, Syed Sarvar, Shazadi Bee, Syed Khader and Syed Yousuf. In this regard, he filed a suit bearing O.S. No.267/1980 before the Addl. Junior Civil Judge Cum IX AMM, Cyberabad, Kukatpally for partition and separate possession and accordingly the court granted preliminary decree on 29.10.1987. He filed a copy of the said Order along with the Complaint. He further submitted that he filed an application for final decree before the same court which is pending adjudication.

3. The Complainant submits that the Respondent Builder represented by its Managing Director cum GPA Holder M/s Rama Krishna Raju made an Application for registration of its real estate project titled “*VERTEX PRISTINE*”, stating that “there is no civil case pending before any court”. He submits, that, however, the Respondent itself filed a Suit vide O.S. No.247/2018 which is pending adjudication before the Ld. Addl. Junior Civil Judge Cum IX AMM, Cyberabad, Kukatpally in respect of land in Sy.Nos.110, 115, 116 and 118 to an extent of 11884.5 Sq Yds. He further submitted that the said Survey numbers are subject matter in O.S. No.267/1980. He also added that several other number of cases are pending before different civil courts such as O.S. No.267/1980, O.S. No.247/2018 and CRP No.2341/2019.

**B. Relief sought:**

4. Accordingly, he prayed this Authority not to grant any approvals, permissions or whatsoever or not to register any sale deed or documents on the said survey numbers. In the interim, he sought to stop the work being conducted by the Respondent or to maintain *status quo*.

### **C. Hearing Conducted:**

5. That on 29.08.2023, this Authority called the matter for hearing and Sri A. Sriganesh, counsel for the Respondent (attend physically) along with Sri Krishnam Raju, GPA Holder of the Complainant (attended virtually) were present. On the said day the Counsel for Respondent submitted that the Project is registered with TS RERA vide Registration No. P02200004187. He further submitted that the registration shall be valid for a period of 5 years commencing from 14.03.2022 up till 09.02.2028. The matter was adjourned to 20.09.2023 on account of the Respondent's request to file counter affidavit in the matter.

6. The matter was again called on and on 20.09.2023 and the Counsel for the Respondent was present. He reiterated the contents in the Counter filed on 15.09.2023 that pending litigations between the parties in the present complaint and in relation to the subject land have been determined by the courts thereby submitting that no litigation is pending thereof. He produced orders of the Hon'ble High Court of Telangana in Writ Appeal No.449/2021 establishing the disposal of the matter. However, this Authority has still not been apprised by the Respondent if O.S. No.267/1980 and O.S. No.247/2018 have been disposed of by respective courts where its adjudication is pending.

### **D. Directions of the Authority:**

7. Therefore, this Authority directs the Respondent to file a Memo within 15 days of receipt of this Order apprising this Authority of the recent case status of the O.S. No.267/1980 and O.S. No.247/2018 and any other case if pending before the courts with respect to the Project land. If, it is found that aforementioned suits are pending adjudication, then the Respondent is also directed to submit a revised Form B thereby declaring the pendency of civil litigations on the Project land and the

Authority shall accordingly take action for violation of any provision under Act & Rules thereunder.

8. The matter is disposed of on the above terms and parties are hereby informed that non-compliance with the Orders of the Authority shall attract Section 63 of the Act

9. 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.

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

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

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