

**BEFORE THE  
TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY,  
HYDERABAD**

Date of decision:13.09.2023

1. COMPLAINT NO.639/2023/TSRERA

Sri.K.Munichandra **.... Complainant**

**Versus**

M/s Jayathri Infrastructure **.... Respondents**

2. COMPLAINT NO.661/2023/TSRERA

Sri Manikyam Alla **.... Complainant**

**Versus**

M/s Jayathri Infrastructure **.... Respondents**

3. COMPLAINT NO.685/2023/TSRERA

Smt.K.V.Veena **.... Complainant**

**Versus**

M/s Jayathri Infrastructure **.... Respondents**

4. COMPLAINT NO.684/2023/TSRERA

Smt.Sujana Kaluva **.... Complainant**

**Versus**

M/s Jayathri Infrastructure **.... Respondents**

5. COMPLAINT NO.703/2023/TSRERA

Sri Nagababu Doredla **.... Complainant**

**Versus**

M/s Jayathri Infrastructure **.... Respondents**

6. COMPLAINT NO.702/2023/TSRERA

Sri B Koti Reddy **.... Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

7. COMPLAINT NO.698/2023/TSRERA

Sri Ch.Ramu .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

8. COMPLAINT NO.698/2023/TSRERA

Sri N Bhaskara Satya Prasad .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

9. COMPLAINT NO.699/2023/TSRERA

Sri P Bhaskar .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

10. COMPLAINT NO.700/2023/TSRERA

Sri K Rama Reddy .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

11. COMPLAINT NO.696/2023/TSRERA

Sri J Naveen Prasad .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

12. COMPLAINT NO.697/2023/TSRERA

Sri Methuku Shekar .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

13. COMPLAINT NO.693/2023/TSRERA

Sri G Hemanthu .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... Respondents

14. COMPLAINT NO.819/2023/TSRERA

Sri J Venu Prasad .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

15. COMPLAINT NO.818/2023/TSRERA

Smt.Kandimalla Naveena .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

16. COMPLAINT NO.691/2023/TSRERA

Smt.Eggada Supriya .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

17. COMPLAINT NO.692/2023/TSRERA

Sri T Venkata Prasad .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

18. COMPLAINT NO.810/2023/TSRERA

Sri M.P.V.S Naidu .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

19. COMPLAINT NO.809/2023/TSRERA

Smt K Prathyusha .... Complainant

**Versus**

M/s Jayathri Infrastructure .... Respondents

20. COMPLAINT NO.894/2023/TSRERA

Sri S.Venkateshwar .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

21. COMPLAINT NO.864/2023/TSRERA

Sri V Ramaro .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

22. COMPLAINT NO.971/2023/TSRERA

Smt. Seema .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

23. COMPLAINT NO.972/2023/TSRERA

Smt. Raja Rajeshwari .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

24. COMPLAINT NO.986/2023/TSRERA

Sri Penthala Raju .... **Complainant**

**Versus**

M/s Jayathri Infrastructure .... **Respondents**

**Quorum:** Dr.N.Satyanarayana, Hon'ble Chairperson  
Sri. K. Srinivas Rao , Hon'ble Member  
Sri. Laxmi Naryana Jannu, Hon'ble Member

**Appearance:** Complainant: Present in person  
Respondent: rep by its Counsel Sri Ramambika

## INTERIM ORDER

This Interim order shall be applicable to all 24 complaints filed under Form M, section 31 of the Real Estate (Regulation and Development) Act, 2016 ("the Act"), read with rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 ("the Rules"). These complaints allege violation or contravention of the Act of 2016 or the Rules and Regulations made thereunder. The Act prescribes that the Promoter shall fulfill all obligations, responsibilities, and functions towards the allottee as per the agreed terms.

2. Captioned complaints are grouped together for hearing as they involve the same issues pertaining to the same project and the same respondent, M/s Jayathri Infrastructures – project "Jaya Diamond." The terms and conditions of the builder-buyer Memorandum of Understanding, entered into between the parties, are also similar

### A. Project Related Details

3. The particulars of the Project are detailed in the following table:

sr.no	Particulars	Details
1.	Name of the Project	Jaya Diamond
2.	Nature of the Project	Residential
3.	Name of the Promoter	M/s Jayathri Infrastructure
4.	Promoter represented by	Sri Srinivas Kakarla
5.	RERA registered/Not/Registered	Reg:P02200004769

### B. Facts of the Case as stated in the Complainants filed by the Complainants

4. Pursuant to complaints filed by multiple complainants before the Telangana State Real Estate Regulatory Authority (TSRERA) against M/s Jayathri Infrastructures (hereinafter referred to as "the Respondent"),

alleging non-initiation of construction and non-refund of amounts paid by the Complainants.

5. According to the Complainants, they came in contact with the Respondent Company, represented by its Managing Director Sri Srinivas Kakarla, recommended by many other directors of the company. Trusting the words of the directors and seeing the RERA registration, the complainants made advances to the Respondent, believing that construction of the project would begin soon.

6. The Complainants further alleged that MOUs were executed between the parties in 2022, wherein the Respondent agreed to construct the Gated community named "Jaya Diamond" on or before June 2023.

7. The Complainants submitted that it has been more than a year, and construction has come to a halt just at its base level.

**C. Interim Relief Sought(s)**

8. The Complainants have sought the following relief:

That the flats purchased by the complainants be granted a stay, prohibiting the Respondent from registering the allotted plots to third parties until the Respondent either refunds their paid amount or completes the Construction, following the terms of the Memorandum of Understanding/Agreement of Sale/Sale Deeds.

**D. Reply filed by the Respondent**

9. The M/s. Jayathri Infrastructures India Pvt. Ltd., owner of the land measuring a total extent of 3,787.43 sq. yards, in survey no. 143/P, situated at Bachupally Village and Mandal, under Nizampet 10. Municipality, Medchal – Malkajgiri District, claims to have purchased it from AGPA Holder M/s Shiva Sai Constructions via sale deed document no. 12502/2022, dated 25.04.2022, registered at SRO, Qutbullapur.

11. They have handed over the said project for development purposes and entered a Contract Agreement with Sri M. Mohan Rao for the entire project. Unfortunately, he quit the project before the agreed time.

12. The Respondent has paid around 45 lakhs as an advance, but as there has been no progress due to the contractor quitting, they claim to have spent around 2,50,00,000/- on the project till date.

13. Due to ongoing criminal charges against the Respondent Company, they faced financial losses. They also claim that there are existing customers who have filed civil cases, creating nuisance and provoking other customers.

14. Hence, the Respondent has decided to take over the project's construction and will complete it without delay. At present, due to the intimation of the Local Nizampet municipal authority to stop the cellar work due to the monsoon season, there has been a halt. Therefore, they request the Authority to provide some time to complete the project without any interruption.

#### **E. Hearing Conducted**

15. Summons dated 20.07.2023 were served to the parties to appear on 03.08.2023, and subsequently on 22.08.2023, 08.09.2023, and 13.09.2023, the matter was listed before the Hon'ble Authority for hearing. All the complainants were present, and the respondent was represented by its Counsel Sri Ramambika.

16. On the said dates, the Complainants reiterated the contentions raised in the complaints and sought time to file additional documents. The complainants sought interim relief to restrain the Respondent from selling or registering certain flats with whom they had entered into Memorandums of Understanding (MOUs). These 24 flats are specifically identified in the MOUs.

#### **F. Observation of the Authority**

17. Upon consideration of the evidence presented to this Authority, including Memoranda of Understanding (MOUs) and recent photographic

images of the aforementioned project, it becomes evident that the Respondent has failed to fulfill their commitment as per the clause in the MOUs, which assured the complainants that the Respondent would enter into a registered Sale agreement and hand over the flats to the complainants in a timely manner. This failure on the part of the promoter necessitates the issuance of an interim order in the present matter.

### **G. Directions of the Authority**

18. In accordance with the powers vested in the Authority under Section 36 of the Real Estate (Regulation and Development) Act, 2016, and considering the prima facie merits of the complaints and the request for interim relief, the Authority hereby issues the following interim order:

- I. The Respondent, M/s. Jayathri Infrastructures, represented by its Managing Director, Mr. Kakarle Srinivas, is directed to immediately cease from selling or registering to any third party until further Orders, the following flats with which MOUs have been entered:

<b>S.no</b>	<b>Name</b>	<b>Date of filing</b>	<b>Complaint. No</b>	<b>MOU no/000000000 serial no.</b>	<b>Flat No.</b>
1.	Sri.K.Munichandra	28.07.2023	639/2023	2370/AN044673	413
2.	Sri.Manikyam Alla	02.08.2023	661/2023	12481/AN422155	G8
3.	Smt.K.V.Veena	04.08.2023	685/2023	2377/AN044680	306
4.	Sujana Kaluva	04.08.2023	684/2023	15718/AN927457	207
5.	Sri.Nagababu Doredla	05.08.2023	703/2023	2964/AN 044993	101
6.	Sri.B.Koti Reddy	05.08.2023	702/2023	AP6709/2334	401
7.	Sri.Ch.Ramu	05.08.2023	701/2023	AM711595/1466	314
8.	Sri.N.Bhaskara Satya Prasad	05.08.2023	698/2023	AE049502/7401	507
9.	Sri.P.Bhaskar	05.08.2023	699/2023	AK409192/3234	511
10.	Sri.K.Rama Reddy	05.08.2023	700/2023	2335/AN670497	313
11.	Sri.J.Naveen Prasad	05.08.2023	696/2023	AN044679/2376	403



12.	Sri.Methuku Shekhar	05.08.2023	697/2023	AM499427/4846	213
13.	Sri.G.Hemanthu	05.08.2023	693/2023	AM499453/4872	504
14.	Sri.J.Venu Prasad	05.08.2023	819/2023	AN927686/16057	102
15.	Smt.Kandimalla Naveena	05.08.2023	818/2023	AN927391/15652	301
16.	Eggada Supriya	05.08.2023	691/2023	AN927701/16072	112
17.	Sri.T.Venkata Prasad	05.08.2023	692/2023	AP670498/2336	302
18.	MPVS Naidu	16.08.2023	810/2023	AN927461/15722	205
19.	K.Prathyusha	16.08.2023	809/2023	AP671960/1329	411
20.	S.Venkateshwar	18.08.2023	894/2023	2967/AN 044996	501
21.	V.Ramarao	23.08.2023	864/2023	AK362509/6396	209
22.	seema	02.09.2023	971/2023	AN 429419	G11
23.	Raja Rajeshwari	02.09.2023	972/2023	AN927704/16075	309
24.	Penthala Raju	02.09.2023	986/2023	AN927699/16070	106

- II. The aforementioned 24 flats, as specified in the MOUs with the respective allottees, are hereby restrained from being sold or registered to any third party until further notice or the issuance of the final order by this Authority.
- III. The Respondent is further directed to initiate the process of registering the agreements of sale, which have already been made through MOUs from dated 28.07.2023 to 02.09.2023 with the allottees for the aforementioned 24 flats, without any delay, following the terms and conditions agreed upon in the MOUs.
- IV. This interim order shall remain in force until the issuance of the final order by this Authority or until further modifications or directions are given by this Authority.
- V. The Respondent is hereby notified to comply with this order forthwith. Failure to comply with this order may result in further legal actions and penalties as per the provisions of the RERA Act.

VI. 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 receipt of this Order.

**Sd/-**

**Sri. K. Srinivas Rao, Hon'ble Member**

**TS RERA**

**Sd/-**

**Sri. Laxmi NaryanaJannu, Hon'ble Member**

**TS RERA**



**Sd/-**

**Dr.N.Satyanarayana, Hon'ble Chairperson**

**TS RERA**