

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

COMPLAINT NO.1826 OF 2023

26th July, 2024

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

Smt G. Sri Lekha

...Complainant(s)

Versus

M/s Swayam Infra Developers rep by Vantala Jagaiah Yadav
M/s Satya Infra Developers rep by M.Satyanaryana

...Respondent(s)

Heard on: 24.04.2023
INTERIM ORDER

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"). During the hearing, the Complainant prayed before this Authority to pass the following interim order in safeguarding her interest:

(a) To direct the Respondent not to alienate rights of plot no. 4 of the concerned project to third parties until the present matter is disposed of.

2. The Complainant submitted that she has purchased Plot No. 4 (263 square yards) from the Respondent 1 in the project Viceroy Elite. The Complainant paid a total amount of Rs. 22,35,500/-, which is the total sale consideration for the said plot. The Respondent 1 has failed to register the plot in the name of the Complainant.

3. Per contra, the Respondent 1 submitted to this Authority, agreeing that the concerned plot bearing No. 4 in the project has been allotted to the Complainant. However, the Respondent denied receiving the total sale consideration amount from the Complainant and acknowledged that only an amount of Rs. 4,88,000/- has been received, for which receipts have been issued. The Respondent 1 further submitted that the Complainant paid the total amount to the Real Estate Agent, M/s Satya Infra Developers, represented by Mr. Satyanarayana, who out of the total amount handed over only Rs. 4,88,000/- to the Respondent. Hence, the registration has not taken place.

4. The Complainant admitted that the entire sale consideration amount was paid to the Real Estate Agent, M/s Satya Infra Developers, represented by Mr. Satyanarayana, and submitted receipts as evidence of her averments.

5. On 24.07.2024, the Complainant submitted an Implead Application vide I.A. No. 35 of 2024, requesting this Authority to implead M/s Satya Infra Developers, represented by Mr. Satyanarayana, as Respondent No. 2, alleging that the Real Estate Agent collected the entire amount from complainant. This Authority views that it is the duty of the Respondents to resolve the financial transaction issues between themselves and the Respondent 1 in the event of registration towards the purchased plot. This view is apparent from the evidence submitted by the Complainant that she had paid the total amount to Respondent 2, the agent. Therefore, the said application was accepted to ensure effective adjudication of the main case involving both Respondents.

6. The Authority observes that the Respondent 1, has neither differed nor denied the allotment made to the Complainant. Upon reviewing the records submitted by the Complainant, it is evident that she has paid the total amount towards the allotted plot. However, due to the discrepancies of actions between Respondent 1 and Respondent 2, the registration of the plot remains incomplete.

7. Accordingly, this Authority holds that in order to protect the interest of the allottee in the present matter, until the issue of the non-registration of the

concerned plot and the sale consideration amount collected by Respondent 2 or not handed over to Respondent 1 is determined, Respondent 1 shall not alienate the rights of the allotted plot i.e., Plot No. 4 (263 sq. yards), Survey No. 1060, TLP No. 123/2021/H, Kollure Village, Aleru Mandal.

8. Therefore, exercising its power under Sections 36 and 37 of the Real Estate (Regulation and Development) Act, this Authority restrains Respondent 1 from selling or registering the concerned unit to any third party until further notice or issuance of the final order by this Authority.

9. The Interim Order shall remain in force until the issuance of the final order or until further modification or directions are given by this Authority.

10. The Respondent is hereby notified to comply with this Order forthwith. Failure to comply will result in appropriate action under Section 63 of the Real Estate (Regulation and Development) Act.

11. The matter is listed for hearing on 20.08.2024.



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

Sd/-
Sri. Laxmi NaryanaJannu,
Hon'ble Member
TS RERA

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