

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

COMPLAINT NO.33 OF 2025

27th Day of March 2025

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

Dr. Lubna Sarwath
R/o 404, navnaami Residency,
Plot No.1&2, Ramoji Enclave,
Poppalguda, Hyderabad 500032
Sarwath.lubna@gmail.com

...Complainant

Versus

1. M/s Phoenix Global Spaces Private Limited,
represented by its Authorised Representative
Office at Plot No.1057/M, Road No.45 Jubilee Hills,
Shaikpet, Telangana, India - 500033
2. M/s Sumadhura Constructions Private Limited,
represented by its Authorised Representative
Office at Door No: 8-2-293/82/A/7, Plot No : 1131,
2nd Floor Jubilee Hills Road No:36
Hyderabad, Telangana 500033
3. The District Collector, Ranga Reddy District
Office at Integrated District Office Complexes,
Kongara Kalan Village, Ibrahimpatnam Mandal,
Ranga Reddy District, Telangana 501510
4. Telangana State Industrial Infrastructure Corporation Ltd.
Through its Managing Director,
Regd. Office: "Parisrama Bhavanam",
6th Floor, 5-9-58/B, Fateh Maidan Road,
Hyderabad-500 004

...Respondents

The present matter filed by the Complainants herein came up for hearing on 18.02.2025 before this Authority in the presence of Counsel for Respondent No.1, Sri Pavan Polkampally, Counsel for the Respondent No.2, Sri Kamuni Sukumar, Authorized Representative of the Respondent No.3 and Authorized Representative of Respondent No.4 and none for the Complainant, despite service

of notice, and after hearing the arguments, this Authority passes the following **ORDER:**

2. The Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & 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 relief(s) against the Respondents.

Facts of the case:

3. The Complainant in the Complaint has submitted that in the year 1921, after construction of Osman Sagar Drinking Water Reservoir, Gandipet Raw Water Conduit was laid across the Narsingi Lake-2 outflow channel, so that the lake is not destroyed and continues to feed the ayacut area south of the lake. Subsequently, on 06.06.2005, the Revenue Registration Department issued G.O. Ms. No. 1092, dated 06.06.2005, imposing a prohibition on the registration of government lands situated in Poppalguda village, Rajendranagar Mandal, Ranga Reddy District, under Section 22A, on the grounds that such registration would be contrary to public policy. Survey Nos. 271, 272, and 273 are among the 91 survey numbers included in the said notification.

4. The Complainant further submitted that vide G.O.Ms. No. 33, dated 24.01.2013, issued by the Municipal Administration & Urban Development (MAUD) Department, it was stipulated that no construction shall be permitted within the Water Body Zone, and no building or development activity shall be allowed in the bed of any water body, including rivers, nalas, and the Full Tank Level (FTL) of lakes, ponds, cheruvus, kunta/shikam lands. Further that the identification of a water body, whether perennial or non-perennial, shall be determined based on Survey of India toposheets, revenue records, or other competent authorities.

5. Complainant submitted that pursuant to the approval of the Metropolitan Development Plan-2031 for the Hyderabad Metropolitan Region under the Hyderabad Metropolitan Development Authority (HMDA) Master Plan, G.O. Ms.

No. 33 at Para 1.1.8 reiterates that the Water Body Zone encompasses all water bodies, including rivers, streams, lakes, tanks, and kunta lands, as delineated in revenue village maps, topographical sheets of the Survey of India, and records maintained by the State Irrigation Department, Revenue Department, or other competent authorities. The boundaries of such water bodies correspond to the Full Tank Level (FTL) or High Flood Level (HFL), including both perennial and non-perennial parts wherever such distinction exists. Additionally, as per the list of lakes and water bodies identified within the HMDA jurisdiction, a total of 2,857 lakes were documented inside and outside the Outer Ring Road (ORR), including Narsingi Lake², which was identified at coordinates 17°24'02.1"N 78°21'23.9"E and listed at Serial No. 248.

6. Complainant submitted that W.P. No. 36396 of 2017 was pending before the High Court concerning the Occupancy Rights Certificate pertaining to Survey Nos. 271, 272, and 273 of Puppalguda Village, Gandipet Mandal, Ranga Reddy District. The last recorded order in the case was available on the official website as of 27.02.2018.

7. The Complainant submitted that on 06.06.2019, in Civil Revision Petition No. 1241 of 2019 before the High Court for the State of Telangana at Hyderabad, an order was issued concerning a petition filed under Section 2B of the Telangana Area Abolition of Inams Act, 1955. The petition sought to set aside the order dated 18.05.2019 in Case No. F1/14927/2018, passed by the Joint Collector, Ranga Reddy District, as well as the earlier order dated 07.02.2009 in No. L/4233/2008 issued by the Revenue Divisional Officer (RDO), Chevella Division, in relation to land in Survey Nos. 271, 272, and 273, admeasuring Ac. 8.11 Gts, situated in Puppalguda Village, Gandipet Mandal, Ranga Reddy District.

8. That subsequently, on 05.09.2019, the Government issued G.O. Ms. No. 240 (MAUD Pig-III), including the IT Park/SEZ developed by Phoenix Group within Survey Nos. 271, 272, 273, 273/1, and 274 in Puppalguda under the jurisdiction of the Industrial Area Local Authority (IALA). Further, on 26.10.2019, G.O. Ms. No. 260 (MAUD Plg-I) was issued, reclassifying the land in Survey Nos. 271, 272, 272/1, 273, 273/1, and 274 of Puppalguda Village, Rajendranagar

Mandal, Ranga Reddy District, admeasuring 26.35 acres, from its previous designation of "Partly Water Body Use and Partly Recreational (Green Buffer Zone)" to "Multipurpose Use Zone."

9. The Complainant submitted that the reclassification was made despite stringent directives from the Hon'ble Supreme Court and in contravention of established rules. The said land was originally designated under the notified Master Plan of the Hyderabad Outer Ring Road Growth Corridor, as approved by G.O. Ms. No. 470, M.A., dated 09.07.2008. The justification for the reclassification was based on the remarks of the District Collector and the Executive Engineer, Irrigation Department, asserting that the said survey numbers constituted patta lands and that, as per revenue records, no water body existed within these survey numbers. However, G.O. Ms. No. 260 is not available in the public domain but has been referenced in the report filed by the Ranga Reddy District Collector in O.A. No. 189/2020 vide Letter No. LP/1305/2020, dated 28.01.2021.

10. Further that, on 08.02.2020, a case was filed, and on 19.05.2020, O.A. No. 72/2020 was registered before the National Green Tribunal (NGT), Southern Zone, Chennai, seeking the protection of Narsingi Lake 2 (HMDA Lake ID 2939) situated in Puppalguda, Gandipet, Ranga Reddy District. The petition was filed to address issues related to the removal of encroachments and the restoration of the lake's hydrology.

11. The Complainant also submitted that on 06.08.2020, vide Order No. SEIAA/TS/OL/RRD-576/2020-330, the State Environmental Impact Assessment Authority (SEIAA), Telangana, granted Environmental Clearance to M/s. Phoenix Global Spaces Pvt. Ltd. for a commercial office complex construction project in Survey Nos. 272/1 and 273/1 of Puppalguda Village, Gandipet Mandal, Ranga Reddy District. The project, with a capital cost of Rs. 1100 Crores, encompasses a plot area of approximately 42,491.65 square meters and a built-up area of 6,15,358.45 square meters.

12. The Complainant submitted that on 10.01.2021, a Caution Notice was issued concerning the land admeasuring 29 acres situated in Survey Nos. 262 to 274 of Puppalguda Village, Gandipet Mandal (formerly Rajendranagar Mandal), Ranga Reddy District. The notice was issued in connection with the rights, interests, claims, and disputes associated with the said land, wherein M/s. MALI Florex Limited asserted its concerns.

13. It was stated that certain landowners, namely K. Muthyam Reddy, K. Nagireddy, and K. Ratanga Pani Reddy, along with others, had allegedly entrusted for development an extent of Ac. 10-20 Guntas forming part of the Schedule Property, in violation of existing rights and interests. It was further alleged that M/s. Phoenix Global Spaces Private Limited, despite being aware of the said claims, had suppressed material facts and executed 239 conveyance deeds, transferring undivided shares of land to various third parties in small extents. These transactions were alleged to be in contravention of the provisions of the Act, 2016. Additionally, the company had purportedly entered into development agreements with the said purchasers, further perpetuating the alleged illegality. The notice dated 10.01.2021 highlighted that multiple cases and suits were pending concerning the subject Property and, therefore, cautioned the general public against engaging in any transactions relating to the property to avoid falling victim to such alleged irregularities.

14. The Complainant submitted that on 28.01.2021, vide Letter No. LP/1305/2020, the Government of Telangana, Revenue Department, through Amoy Kumar, I.A.S., District Collector, Ranga Reddy District, addressed Smt. H. Yasmeen Ali, Counsel for Telangana before the National Green Tribunal (NGT), Chennai. The letter pertained to the Joint Committee Reports on Narsingi Lake 2 in connection with Case No. O.A. 189/2020, filed by the then-MP, Shri Anumula Revanth Reddy, and Case No. O.A. 72/2020, filed by Dr. Lubna Sarwath, before the NGT, Chennai.

15. Further, on 02.03.2021, a reply was filed by the Collector, Ranga Reddy District, in O.A. No. 72/2020, enclosing a location sketch of Narsingi Lake 2, which was superimposed on the village revenue maps along with the geo-

coordinates of the lake boundary. On 06.10.2021, the Telangana State Industrial Infrastructure Corporation (TGIIC) issued BPO No. IIC/0229/2021 in favour of M/s. Phoenix Global Spaces Pvt. Ltd. for development in Survey Nos. 272/P and 273/P, covering a site area of 42,492.1 square meters, with a net area of 39,297.79 square meters. That subsequently, on 20.11.2021, this Authority issued registration No. P02400003565 for the project named "TRITON," located in Survey Nos. 272/P, 273/P, and 274/P at Puppalguda, Gandipet, Ranga Reddy District, 500075. The project, undertaken by M/s. Phoenix Global Spaces Private Limited, covered a site area of 42,492.15 square meters, with a net area of 39,297.79 square meters.

16. The Complainant submitted that on 18.04.2022, the State Environmental Impact Assessment Authority (SEIAA), Telangana, issued an Environmental Clearance (Amendment) Order bearing No. SEIAA/TS/OL/RRD-914/2021. The order pertained to a project covering a total area of 42,494 square meters, with a net area of 39,299.74 square meters and a built-up area (BUA) of 7,67,556.72 square meters. The project was designated as a Commercial Office cum Residential Complex, with an estimated capital cost of ₹1,370 Crores.

17. The Complainant submitted that on 27.02.2023, a Consent for Establishment (Amendment) Order was issued. On 28.06.2023, M/s. Phoenix Global Spaces Private Limited executed a Development Agreement-cum-Irrevocable General Power of Attorney in favor of M/s. Sumadhura Constructions Private Limited concerning the scheduled property in Survey Nos. 272P and 273P. The agreement granted absolute powers to the latter to obtain all necessary permissions from government authorities, statutory bodies, and other relevant agencies.

18. Further, the Complainant submitted that on 28.07.2023, the State Environmental Impact Assessment Authority (SEIAA), Telangana, issued an Environmental Clearance to M/s. Phoenix Global Spaces Private Limited for a Residential cum IT/ITES Complex in Survey Nos. 272/1 and 273/1, Puppalguda Village, Gandipet Mandal, Rangareddy District. The amendment to the Environmental Clearance specified a revised built-up area (BUA) of 6,24,330.92 square meters, with the total project area remaining at 42,494 square meters and

the net area at 39,299.74 square meters. The estimated project cost was reaffirmed at ₹1,370 Crores.

19. The Complainant also submitted that on 10.08.2023, Original Application No. 72/2020, filed before the National Green Tribunal (NGT), Chennai, seeking eviction of encroachments and restoration of Narsingi Lake 2 (HMDA Lake ID 2939), was disposed of.

20. The Complainant submitted that on 16.03.2024, an appeal was filed before the Hon'ble Supreme Court of India against the order of the National Green Tribunal (NGT) in Civil Appeal Diary No. 12490/2024, wherein M/s Phoenix Global Spaces Pvt. Ltd., had already entered a caveat, thereby being in full knowledge of the proceedings. That subsequently, on 06.04.2024, the Telangana State Industrial Infrastructure Corporation (TGIIC) issued Order No. BPO/72/2023, granting permissions in favor of Phoenix Global Spaces Pvt. Ltd. for Survey Nos. 272P and 273P, with a total site area of 42,492.15 square meters and a net area of 39,297.89 square meters. That thereafter, on 29.04.2024, this Authority registered Project No. P02400008107 under the name "SUMADHURA PALAIS ROYAL", pertaining to the same survey numbers and site area.

21. That the matter was listed before the Hon'ble Supreme Court for hearing on 09.08.2024, 23.09.2024, 18.10.2024, and 18.11.2024. And meanwhile, on 07.10.2024, the Deputy Chief Minister publicly affirmed that Narsingi Lake 2 (HMDA Lake ID 2939), situated at Latitude: 17°24'3.019" N, Longitude: 78°21'17.736" E, stood entirely encroached, as evidenced by Survey of India (SOI) toposheets and satellite imagery. Notwithstanding the orders of the Hon'ble Supreme Court, this Authority and TGIIC unauthorizedly permitted projects that facilitated encroachments upon the lake area, amounting to contempt of court.

22. In lieu thereof, the Complainant pointed out the following alleged illegalities on part of Respondent Nos.1 & 2:

- a. There has been a wilful suppression of ongoing litigation in multiple courts, including the concealment of caution notices published in

newspapers, within Form B and the Application Form submitted to regulatory authorities.

- b. The property in question has been listed under prohibited properties, with Narsingi Lake 2 (HMDA Lake ID 2939) and Bhulkapur Nala facing destruction due to unauthorized encroachments. The conversion of water bodies into a Multipurpose Use Zone for construction is expressly prohibited, constituting a violation of existing statutory regulations.
- c. The Hon'ble Deputy Chief Minister, relying on TGRAC satellite imagery, has publicly affirmed that Narsingi Lake 2 stands 100% encroached, necessitating Suo moto cognizance by the Telangana Real Estate Regulatory Authority (TGRERA) under Sections 7 and 8 of the Real Estate (Regulation and Development) Act, 2016. As the regulatory authority, TGRERA was duty-bound to initiate appropriate proceedings and direct the competent authority to immediately halt all construction activities on the site.
- d. TGRERA registrations have been granted on the basis of falsified documents, involving suppression of material information, overlooking of irregularities, and unauthorized approvals, thereby rendering such registrations legally unsustainable.
- e. A grave irregularity has occurred wherein TGRERA has issued two separate project registrations for the same site area (Survey Nos. 272/P, 273/P, 274/P at Puppalguda, Gandipet, Ranga Reddy), measuring 42,492.15 square meters (net area: 39,297.79 square meters). These include TGRERA Registration No. P02400003565 dated 20.11.2021 and TGRERA Registration No. P02400008107 dated 29.04.2024, which is legally impermissible.
- f. Another serious irregularity is evident in the conflict between TGRERA Project Registration No. P02400003565 dated 20.11.2021 for Project "TRITON" (Survey Nos. 272/P, 273/P, 274/P at Puppalguda, Gandipet, Ranga Reddy) and the Telangana State Industrial Infrastructure Corporation (TGIIC) Order No. IIC/0229/2021 dated 06.10.2021, issued to Phoenix Global Spaces Pvt. Ltd. for Survey Nos. 272P and 273P, thereby demonstrating blatant procedural irregularities and conflicting approvals by government agencies.

23. The Complainant relied upon the judgment of the Hon'ble Supreme Court in Hinch Lal Tiwari vs Kamala Devi And Ors, [(2001) 6 SCC 496], wherein the Hon'ble Court held as under:

"The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.

....

Further it will also help in maintaining ecological balance and protecting the environment in regard to which this Court has repeatedly expressed its concern. Such measures must begin at the grass-root level if they were to become the nation's pride."

24. The Complainant further submitted that the Hon'ble Supreme Court in Writ Petition (Civil) No. 295 of 2022 in *Re: Directions in the Matter of Demolition of Structures*, in its order dated 13.11.2024, has held as under:

"At the outset, we clarify that these directions will not be applicable if there is an unauthorized structure in any public place such as a road, street, footpath, abutting railway line, or any river body or water body, and also to cases where there is an order for demolition made by a Court of law."

25. The Hon'ble Supreme Court, in Civil Appeal No.14604 of 2024 & Civil Appeal No.14605 of 2024 titled "Rajendra Kumar Barjatya and Another Vs. U.P. Avas Evam Vikas Parishad & Ors." vide Judgement dated 17.12.2024 held as follows:

Para No. 20:

“That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment.

....

Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment.”

Para No. 21:

“(vi) No permission / licence to conduct any business/trade must be given by any authorities including local bodies of States/Union Territories in any unauthorized building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan and usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place and in consideration of the larger public interest and the impact on the environment.”

Para No. 19(v):

“The aforesaid view was reiterated in Supertech Limited v. Emerald Court Owner Resident Welfare Association and Others [(2021) 10 SCC 1] by holding that illegal constructions have to be dealt with strictly to ensure compliance with rule of law. The relevant paragraphs read as under:

“159. The rampant increase in unauthorised constructions across urban areas, particularly in metropolitan cities where soaring values of land place a premium on dubious dealings has been noticed in several decisions of this Court. This state

of affairs has often come to pass in no small a measure because of the collusion between developers and planning authorities.

160. From commencement to completion, the process of construction by developers is regulated within the framework of law. The regulatory framework encompasses all stages of construction, including allocation of land, sanctioning of the plan for construction, regulation of the structural integrity of the structures under construction, obtaining clearances from the different departments (fire, garden, sewage etc.,) and the issuance of occupation and completion certificates. While the availability of housing stock, especially in metropolitan cities, is necessary to accommodate the constant influx of people, it has to be balanced with two crucial considerations - the protection of the environment and the well-being and safety of those who occupy these constructions. The regulation of the entire process is intended to ensure that constructions which will have a severe negative environmental impact are not sanctioned. Hence, when these regulations are brazenly violated by developers, more often than not with the connivance of regulatory authorities, it strikes at the very core of urban planning, thereby directly resulting in an increased harm to the environment and a dilution of safety standards. Hence, illegal construction has to be dealt with strictly to ensure compliance with the rule of law.

161. The judgments of this Court spanning the last four decades emphasise the duty of planning bodies, while sanctioning building plans and enforcing building regulations and bye-laws to conform to the norms by which they are governed. A breach of the planning authority of its obligation to ensure compliance with building regulations is actionable at the instance of residents whose rights are infringed by the violation of law. Their quality of life is directly affected by the failure of the planning authority to enforce compliance.

Unfortunately, the diverse and unseen group of flat buyers suffers the impact of the unholy nexus between builders and planners. Their quality of life is affected the most. Yet, confronted with the economic might of developers and the might of legal authority wielded by planning bodies, the few who raise their voices have to pursue a long and expensive battle for rights with little certainty of outcomes. As this case demonstrates, they are denied access to information and are victims of misinformation. Hence, the law must step in to protect their legitimate concerns.”

Relief(s) sought by the Complainant:

26. Accordingly, the Complainant sought the following reliefs:

- i. *“Revoke the registration/permissions of TGRERA Registered - 'Project registration number: P02400003565 dated 20.11.2021 Project: TRITON, Survey No.: 272/P,273/P,274/P, Plot No. Of Site:, at Puppalguda, Gandipet, Ranga Reddy, 500075;*
- ii. *Revoke Project Registration No. P02400008107 dated 29/04/2024 SUMADHURA PALAIS ROYAL Survey Nos 272P AND 273P at Puppalguda, Gandipet, Ranga Reddy, 500089*
- iii. *Investigate serious TGRERA irregularity as TGRERA P02400003565 dated 20.11.2021 Project: TRITON, for Survey No.: 272/P, 273/P, 274/P, at Puppalguda, Gandipet, Ranga Reddy, whereas, TGIIC issues BPO No. No. IIC/0229/2021 dt 06 October, 2021 to PHOENIX GLOBALSPACES PVT LTD for Sy no. 272P, 273P -*
- iv. *Investigate serious TGRERA irregularity that Project registrations have been issued twice to two different companies for same site area Survey No.: 272/P, 273/P, 274/P, at Puppalguda, Gandipet, Ranga Reddy for same site area admeasuring 42.492.15 sqms Net area 39,297.79 sqms*
- v. *Investigate serious TGRERA irregularity as TGRERA Application in Project Registration No. P02400008107, indicates Promoter as Sumadhura Constructions in one column and Phoenix Global Spaces Pvt Ltd in another column.*
- vi. *Investigate serious irregularity of DGPA dt 28.06.2023 in favor of Sumadhura Constructions Pvt Ltd, as TGRERA issues Project*

Registration to Sumadhura on 29.04.2024 based on TGIIC Building Permit Order issued to Phoenix Global Spaces Pvt Ltd. on 6.4.2024.

- vii. Investigate serious irregularity TGRERA, as Form B and other forms submitted to TGRERA even as case was being heard on the site area at NGT Chennai, filed in February 2020 and after case filed at Hon'ble Supreme Court on 16.03.2024, and the case at Apex Court is ongoing. Two High Court cases are pending since 2017.*
- viii. Investigate serious irregularity, as the survey numbers are mentioned in Prohibited Property List on registrations website as on date.*
- ix. Existence of water body Narsingi lake 2 Hmda lake id 2939, is documented from 1921 to 2024. Since 1921 when Raw water conduit was laid from Osman Sagar reservoir to Asif nagar filter beds by then Nizam for State of Hyderabad, and, till 2024 when Hon'ble Deputy Chief Minister Government of Telangana declared the said lake as 100% encroached through Planning Department TGRAC documents.*
- x. Apparently, serious irregularity by TGRERA, TGIIC, TGPCB, SEIAA/SEAC, Collector RR, I&CAD RR, and all concerned authorities/officials who given ultra-vires reports and permissions in a water body, prohibited by S-22 as well as by GO Ms 33 as non-conversional and non-constructional, hence investigation mandatory.*
- xi. As the project cost involved is around Rs.2000 crores an immediate criminal probe be ordered so that public money and natural resource may be protected."*

Counter on behalf of Respondent No.1:

27. Respondent No.1 filed a preliminary counter and submitted that the same was being filed to the question of maintainability of the present Complaint on various grounds. A copy of the said preliminary counter dated 14.02.2025 has been duly served on the Complainant vide e-mail dated 15.02.2025 and a memo of service has also been filed by Respondent No.1 before this Authority to this effect.

28. Respondent No.1 submitted that the Complainant has no *locus standi* and that the Complainant does not qualify as an 'aggrieved person' under the

provisions of the Act, 2016. That no cause of action arises or no legal injury is suffered by the Complainant in order to claim the status of an "Aggrieved Person".

29. Respondent No.1 submitted that Section 31(1) of the Act, 2016 read with Rule 34 of the Rules, 2017 explicitly provides that a Complaint may be filed by an 'aggrieved person' in cases of violation or contravention of the provisions of the Act, Rules, or Regulations against a promoter, allottee, or a real estate agent. It was submitted that the phrase "aggrieved person" has to be construed in the context and purpose of the Act, 2016 and would encompass a person whose rights as an allottee, promoter or real estate agent or person governed by the Act is infringed. That the phrase "aggrieved person" cannot be stretched on harmonious reading of all the provisions of the Act and objective of the Act to mean that any person who alleges violation of various laws by the developer can approach the Regulatory Authority under Section 31(1) of the Act. In support of above detailed contention by Respondent No 1 has relied upon the judgement of the Hon'ble High Court of Bombay in the matter of *Dr. Yogesh Keshav Bele vs. Maharashtra Real Estate Regulatory Authority & Ors.* (SA No. 432 of 2023)

30. Respondent No.1 contended that the Hon'ble High Court of Bombay, in the above said matter of *Dr. Yogesh Keshav Bele vs. Maharashtra Real Estate Regulatory Authority & Ors.* (SA No. 432 of 2023) in Para-Nos. 13 and 15 extracted hereunder, held thus: -

"13. On a harmonious and holistic reading of various above-referred provisions of the RERA Act, in my view, a person who is not at all connected with the project of the promoter since he had not booked any flat in the said project cannot be said to be an "aggrieved person" under Section 31(1) for filing complaint. The Explanation to Section 31(1) provides that "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The "aggrieved person" under the RERA Act could be an allottee or real estate agent or promoter or association of allottees or any voluntary consumer association registered under any law for the time being in force. A person who is not at all connected or interested in the project but seeks to redress his private

grievances as a person occupying the adjoining land next to the project cannot be said to have any locus to file a complaint and redress his private grievances by taking recourse to the RERA Act. The remedy of such a person lies somewhere else and not before the Regulatory Authority under the RERA Act. The said view is based on a holistic reading of preamble to the Act and the various provisions which have been analysed above, which clearly point out that the phrase "aggrieved person" in Section 31(1) of the Act would be an allottee, promoter or real estate agent or association of allottees or registered voluntary consumer association. The phrase "aggrieved person" has to be construed in the context and purpose of RERA Act and would encompass a person whose rights as an allottee, promoter or real estate agent or person governed by the Act is infringed. The phrase "aggrieved person" cannot be stretched on harmonious reading of all the provisions of the Act and objective of the Act to mean that any person who alleges violation of various laws by the developer can approach the Regulatory Authority under Section 31(1) of the Act.

It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceedings unless he satisfies that he falls within the category of "aggrieved person". Only a person who has suffered legal injury can challenge the act/action/order in a Court of law. A "legal right", means an entitlement arising out of legal rules. The phrase "aggrieved person" used in Section 31(1) of the RERA Act would mean a person who is regulated or governed by the said Act and there is an injury of the right conferred under the said Act. The phrase used in Section 31(1) is "any aggrieved person" and not "any person". The Appellant is not covered by the RERA Act and therefore he cannot be said to be an "aggrieved person" to take recourse to Section 31 (1) of the RERA Act. The Appellant complainant can at the most lead evidence as witness but he cannot claim the status of an adversarial litigant. The Appellant complainant cannot be a party to the lis because no legal right is conferred on him by the RERA Act. Thus from the above analysis it is evident that the Appellant having no concern whatsoever cannot be said to have any locus standi to knock the doors of the RERA Act. The Appellant has knocked wrong door by taking recourse to RERA for redressal of his grievances.

15. In the instant case, admittedly the Appellant is not an "allottee" in the project being developed by the Respondent No. 3. The allegation made by the Appellant are with respect to violation of various laws by the developer in the development of the project. The grievance appears to be made in the nature of private or public interest and not what is governed and regulated by the RERA Act.")

31. Further, Respondent No.1 also relied upon the judgment of this Authority in the case of *A. Chandrasekhara Reddy v. M/s. Ashrita Group (Complaint No.654 of 2022)* vide its Order dated 02.03.2024, wherein it was held that a Complainant who is neither an allottee, nor an agent, nor a promoter, nor a landowner in the Project-Subject Matter of the Complaint, lacks locus standi.

32. The second plea taken by Respondent No.1 is the Non - Existence of Waterbody in SY. No. 271, 272 and 273 of Puppalguda which has already been determined by Competent Forum, i.e., National Green Tribunal, South Zone.

33. Respondent No.1 submitted that the Complainant filed an Application before the Hon'ble National Green Tribunal, South Zone (hereinafter referred to as "NGT") vide Original Application No. 72 of 2020 (hereinafter referred to as "OA No. 72 of 2020") against the State of Telangana & Others, against the land under Development by the Respondent No.1, alleging that 'Narsingi Lake 2' is a lake situated in Sy. No. 272, 273 and 274 of Puppalguda Village, Gandipet Mandal, Ranga Reddy District, which was purportedly encroached along with destruction of Bhulkapur Nala and sought a relief of restoration of said "Narsingi Lake - 2" and Bhulkapur Nala amongst various other directions.

34. The Respondent No.1 filed a detailed Reply in the said OA No. 72 of 2020 bringing on record various documents since 1950 onwards, such as Sethwar, Khasra Pahanis, official correspondences, etc., as to how the said lands were always private "Patta" lands and that there never existed a water body in the said land. It was further submitted that the Ld. NGT had also constituted a Joint Inspection Committee comprising of District Collector, Rangareddy, a Senior

Official from the Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai and a Senior Officer from the Lake Protection Committee.

35. It was submitted that the Joint Inspection Committee submitted their findings to the Ld. NGT, which are summarized as under:

- a. No Water Body Existence: Upon examination of satellite images from 1990 onwards, no lake or water body was found in the specified location (Survey Nos. 271, 272, and 273 of Puppalguda Village, Gandipet Mandal, Rangareddy District).
- b. Revenue Records: The pre-independence revenue records were not available, but the Sethwar (considered a pre-eminent official record) and subsequent Pahanis and village maps from 1942 classified the land in Survey Nos. 272, 273, and 274 as patta land, which was under cultivation and assessed as dry land for revenue purposes.
- c. Physical Inspection: During physical inspection, no water body was found in the said location. The land was identified as patta land, and there was no evidence of a lake or water body.
- d. Bhulkapur Nala: The Bhulkapur Nala was found flowing from west to east on the north side of the site, and it was intact without any encroachments or dumping of debris.
- e. Master Plan Anomalies: The HMDA Master Plan listed Narsingi Lake 2 with Lake ID 2939, but it was noted that this lake was not recorded in the revenue records and did not exist on the field as reported by the Collector.
- f. Government Orders: The Government of Telangana had issued orders (G.O. Ms. No. 260 dated 26.10.2019) confirming the change of land use from partly water body and recreational use to multipurpose use for the lands in Survey Nos. 271 to 274.
- g. No Evidence of Lake: The Joint Committee concluded that there was no water body in the said survey numbers at any point in time, corroborated by satellite images, Google maps, and irrigation and revenue records.
- h. Nodal Officers: The State Government had appointed Additional Collectors as nodal officers to identify lakes based on revenue and irrigation records and to resolve discrepancies, with the exercise still in progress.

- i. Overall, the Joint Committee found no evidence to support the existence of Narsingi Lake-2 in the specified survey numbers.

36. It was further submitted that the Ld. NGT also directed the Joint Committee to verify the satellite images furnished by the National Remote Sensing Centre, Hyderabad (NRSC) from 1990 every 05 years, monsoon and non-monsoon periods with the given longitude and latitude corresponding to Sy. Nos. 271 to 274 Puppalguda Village. The Committee reported that, upon examination of the satellite images no lake or water body is located on the said location under question.

37. Respondent No.1 submitted that the Ld. NGT found that there was no evidence to support the existence of Narsingi Lake-2 in Survey Nos. 271, 272, 273, and 274 of Puppalguda Village. The Joint Committee's report, satellite images, and revenue records all indicated that there was no lake or water body in the specified location. The HMDA Master Plan's listing of Narsingi Lake-2 with Lake ID 2939 was noted to be incorrect, as it was not recorded in the revenue records and did not exist on the field. It was submitted that since the Ld. NGT concluded that there was no water body or lake in the specified survey numbers, the question of demarcation of the inflow or outflow channel, FTL boundary, and buffer zone did not arise. The project proponent was found to be constructing the project after obtaining necessary clearances and was not encroaching on any water body or buffer zone.

38. Respondent No.1 highlighted the findings of the Ld. NGT as under:

"[...]"

41. From the above, it is evident that the contention of the applicant that there existed a lake by name Narsingi Lake 2 is not substantiated by the revenue and other Government records. Moreover, a verification of the satellite imageries by the District Collector as well as the Joint Committee in conjunction with field inspection reveals that in the said survey numbers, there is no lake by name Narsingi Lake 2. The fact that there is no mention of the water body in the said survey numbers is evident in the note of notification of the HMDA relied upon by the applicant. Therefore, we hold

that in Sy. Nos. 271, 272, 273 & 274, as reported by the Revenue Authorities and the Joint Committee, there is no water body or lake and Issue No.1 is held accordingly.

42. In as much as the claim of the presence of water body in Sy. No.271 to 274, where the 8th respondent is undertaking his project, is not substantiated by the revenue records, the question of construction of their project in the water body does not arise. Moreover, the project proponent has assured that he will abide by the terms and conditions imposed by the Irrigation Department while granting the NOC for the construction of the project and will not put up any structures in the buffer zone as stipulated in the NOC. In as much as the project proponent is constructing the impugned project after obtaining necessary clearance from various authorities, it cannot be said that it is being constructed in a water body or in a buffer zone.

43. It is also to be noted that the construction of the said project in the said survey numbers, for which, the EC has also been obtained is being undertaken after obtaining necessary approvals from various Government Agencies, including the Municipal Administration and Urban Development Department. Neither the said land use conversion orders of the Government issued in the year 2019 has been challenged by the applicant nor that can be entertained by this Tribunal for want of jurisdiction.

44. In view of the detailed discussions made above, we hold that no case could be made out that there existed a lake viz., Narsingi Lake 2 in Sy. Nos.272, 273 & 276 of Narsingi Village, Rajendranagar Mandal, Ranga Reddy District, State of Telangana. Therefore, the prayer of the applicant to restore the Narsingi Lake 2 in Sy. Nos.272, 273 & 276 is not legally feasible. [...]

46. In view of the above discussion, the Original Application is dismissed.”

39. Respondent No.1 submitted that thereafter, the Complainant preferred a Civil Appeal before the Hon'ble Supreme Court vide Diary No. 12490 of 2024 against the dismissal of the OA No. 72 of 2020, in which pleadings have been completed. It was submitted that the Hon'ble Supreme Court has not interfered with the findings of Ld. NGT until date and the said findings of NGT vide its Judgment dated 10.08.2023 are still in force and that until the said findings are frustrated or reversed, there exists no water body in SY. No. 271,272 and 273 of Puppalguda Village and that no other authority can determine contrary to the findings of the Ld. NGT unless otherwise permitted under law.

40. Accordingly, the Respondent No.1 submitted that the said issue has attained finality, subject to the determination by the Hon'ble Supreme Court, rather no other body / authority can re-determine these issues of alleged existence of water bodies, as it is seized of by the Hon'ble Supreme Court of India. It was submitted that the Complainant is estopped by law from making repeated submissions of her allegations after such detailed findings by the Ld. NGT, especially when she has exercised her right to Appeal and the Appeal is pending before the Apex Court.

41. It was, therefore, submitted that the present complaint is not maintainable on the issue of Locus as well as factual issues as have been decided by a competent Tribunal.

42. Respondent No.1 also submitted that as on date, the Project Proponent is in compliance with all the necessary updates as required under the Act, 2016 in all aspects, including updating litigation information and prayed to dismiss the complaint with exemplary costs.

Counter on behalf of Respondent No.2:

43. Respondent No.2 filed a memo adopting the same contentions as raised by the Respondent No.1 and the said Memo has been taken on record. A copy of the said adoption memo dated 13.02.2025 has been duly served on the Complainant vide e-mail dated 15.02.2025.

Counter on behalf of Respondent No.3:

44. Respondent No.3 filed a detailed reply submitting that as per the Shetwar of the Puppalguda village, Gandipet Mandal the Sy.No.271 to an extent Ac.2.03gts, Sy.N.272 to an extent Ac.6.39gts and Sy.No.273 to an extent Ac.17.28gts the Khatedar's name is shown as Abdul Hysa Khadri. That in subsequent pahanies various sale transactions had been made to various individuals and recorded their name in revenue record.

45. Thereafter, as seen from the Faisal Patti for the year of 1975-76 of Puppalguda village, it is revealed that the Sy.No.271 (2.03), 272 (6.39) and 273 (9.17) etc., lands were granted 38-E certificate in favor of Sri. Alimoddin, vide file bearing No. LRW/155/1975 and same was implemented in revenue records. In subsequent pahanies his LR's are recorded. Further, as seen from the IGRS website various transactions had taken place during the year 2005 to 2023 and mutation proceedings were also issued in favor of purchasers.

46. Respondent No.3 further submitted that Sri. V Ramchandrarao applied for Occupancy Right Certificate before the then RDO Chevella Division for the land in Sy.No. 271 (2.03), 272 (6.39) and 273 (9.17) etc of Puppalguda village basing on the sale deed Nos: 15617/2005, Dt:17.10.2005, & 15206/2005, Dt:08.10.2005 and same had been granted vide file bearing No. L/4223/2008, Dated:21.08.2009. That further, aggrieved by the above orders, Sri. Mohd. Gayasuddin S/o, Chinimiya and (03) others filed Civil Revision Petition before the Hon'ble High Court for the State of Telangana at Hyderabad in CRP No.1241 of 2019 with a prayer to suspend the proceedings of the Revenue Divisional Officer, Chevella Division, R.R. District in file No. L/4223/2008 Dt: 07.02.2009 whereby ORC were granted in favor of the Respondents No. 1(V. Ramchandrarao) and 2 (V.K Vishwanatham) in respect of land of Ac..8.11 Gts in Sy.No.271, 272 & 273 of Puppalguda Village, Gandipet Mandal, R.R. District. The Hon'ble High Court disposed of the case on 16.12.2024.

47. Respondent No.3 further submitted that as seen from the Dharani portal M/s. Phoenix Global Spaces Pvt Ltd name has been recorded against the Sy.No.272 to an extent Ac.6.39gts and Sy.No. 273 to an extent Ac.9.19gts of

Puppalguda village, Gandipet Mandal and remaining extents are recorded on various individual names. As per the physical possession of the lands in Sy.No.272 & 273 of Puppalguda village of Gandipet Mandal, M/s Phoenix Global Spaces Pvt Ltd has been taking construction activity.

48. Further, it was submitted that the Complainant has filed O.A No. 72 of 2020 (SZ) before the Ld. NGT Southern Zone, Chennai. In pursuance of the said case, the Ld. NGT constituted a Joint Inspection Committee, vide its Order dated 21 May, 2020, comprising of three persons, i.e. District Collector, Ranga Reddy, A senior official from Ministry of Environment Forests and Climate Change (MoEF&CC), Regional office, Chennai and a Senior Officer from Lake Protection Committee, to inspect the area in question ie., Sy.No.271to274, Puppalguda (V) falling at Longitude 17°24'5.54" N and Latitude 78°21'22.85" E and submit a status as well as action taken report.

49. The said report was filed before the NGT on 21st February 2022, observing to the following effect:

- i. The Joint Committee comprising of the Special Deputy Collector, Land Protection, Collectorate Rangareddy (representing the District Collector, Rangareddy District), Scientist C, Member, Ministry of Environment Forests, and Climate change (MoEF&CC), Executive Engineer, Lakes Division, Hyderabad Metropolitan Development Authority (HMDA), Director Planning - I, HMDA, have inspected the area on 07.10.2020 at 9.00 AM.
- ii. The Joint Committee has inspected the area under question at Longitude 17°24'5.54"N and Latitude 78°21'22.85"E, where the alleged dumping of construction waste is taking place. This location corresponded with Survey nos. 272, 273 and 274 of Puppalguda village.
- iii. The Joint Inspection Committee was provided with the following documents, as were made available to it by the relevant authorities,
 - a. Letter of the Executive Engineer, North Tanks Division, addressed to the District Collector, Ranga Reddy District dated 24.05.2008 vide Lr.No.DB/EE/NTD/911, wherein the Executive Engineer stated that he got conducted a physical inspection in the site at

Sy.No.271 to 274, Puppalguda (V) on 08.05.2008 and it was reported that there were no water bodies existing in the said survey nos.

- b. The letter of the Joint Collector, Rangareddy (D) Lr.No. E1/2792/2008 dated 17.07.2008 clarifying to the Vice Chairman, Hyderabad Urban Development Authority (HUDA), later called HMDA that, upon the enquiry got done through his office, the Sy. Nos. 271 to 274 admeasuring Ac.26- 35Gts. of Puppalguda (V) are Patta Lands and that there are no water bodies existing in the said survey nos. as per the existing revenue records and also recommended for change of land use from recreational zone to multiple use Zone.
- c. The Gazette Extraordinary No.54, MA&UD Dept. (I) dated 04.02.2010, wherein objections were invited from the general public on the revised draft variation to the master plan of the HMDA for change of land use of the land from partly water body use and partly recreational (green buffer zone) use to multipurpose use in Puppalguda Village and also the said aspect of non-existence of water bodies was referred in the said Gazette Notification issued by the Principal Secretary, MA&UD.
- d. Report dated 06.08.2013 bearing Lr.No .EE/NTD/DB/DEE3/HD/2013/1281/1126 submitted by the Executive Engineer, North Tanks Division to the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority (HMDA), referring to multiple correspondences of various departments and also as per the physical inspections got carried on by his office, it was reported that there were no water bodies existing in Sy. Nos.271 to 274 admeasuring an extent of Ac.26-35 Gts. situated at Puppalguda (V) and that the said lands are Patta lands.
- e. The G.O.Ms.No.240 dated 05.09.2019, MA&UD (Pig.III) Dept., the Government of Telangana MA&UD Dept. published in the Extraordinary issue of the Telangana Gazette dated 06.09.2019 had notified the lands in Sy.Nos.271, 272, 272/1, 273, 273/1 and 274

admeasuring Ac.26-35 Gts., in Puppalguda (V) to include in adjoining Industrial Area Local Authority [The said land for developing IT Parks/SEZS IALA and Puppalguda IALA Industrial townships].

- f. The Government of Telangana, through G.O.Ms. No.260 (MA&UD (Fig.I) Dept.) dated 26.10.2019, approved a change in land use for the land in Survey Nos. 271 to 274, measuring Ac. 26-35 Gts. in Puppalguda (V). The modification was made from partly water body and recreational (green buffer zone) to multipurpose use, based on the remarks of the Joint Collector and the Executive Engineer (Irrigation) regarding Survey Nos. 272, 272/1, 273, 273/1, and 274. It was confirmed that these survey numbers are Patta Lands, and as per Revenue records, no water body exists in these Patta Land survey numbers. The revised land use zone notification was published in the Extra-ordinary issue of the Telangana Gazette on 27.10.2019.
- g. The Metropolitan Commissioner, HMDA, through a letter dated 06.01.2020 bearing Lr.No. 5324/MP1/Plg./H/2008, addressed to the Principal Secretary, MA&UD, informed about the publication of a public notice in two daily newspapers in accordance with the provisions of the HMDA Act, 2008. The letter also communicated compliance with the same.
- h. In the village map of Puppalguda village furnished by the Officials of the office of the District Collector, Ranga Reddy District, there is no depiction or mention of lake or water body in the area in question.
- i. List of Lakes/water bodies identified in the HMDA area available in HMDA website where in Narsingi Lake-2 is listed without survey number details, falling in Narsingi Village of Rajendranagar Mandal, Rangareddy District, Latitude 17.40058 Longitude 78.35664 is mentioned at SI.No.248 given a lake ID 2939 with a foot note saying "This lake is not recorded in the Revenue Records and also not existing on the field (as reported by the Collector)".

- j. Various notifications issued periodically by Lake Protection Committee, HMDA notifying the lakes after survey and fixing of FTL boundaries along with maps showing FTL co-ordinates.
- iv. Further, having examined the afore-mentioned documents and also upon the physical survey and also in its correspondence with the government, the Joint Committee observed that:
- a. The Joint Inspection Committee has gone through all the documents and all the records and documents indicates that the lands in Sy.Nos.271, 272 272/1, 273, 273/1 and 274 in Puppalguda (V), Rajendranagar Mandal, Ranga Reddy District are private patta lands and there was no lake or water body existing in the said lands as per Revenue, Irrigation and HMDA, except for the HMDA Master plan.
 - b. Neither Puppalguda nor the adjoining Narsingi village maps or revenue records mention the existence of Narsingi lake-2. The Lake Protection Committee and other State Government authorities could not explain as to how the name Narsingi Lake-2 has come up in the Lake List prepared by HMDA or the basis for its inclusion in the list.
 - c. It was also mentioned that the list is only preliminary, prepared for the purpose of undertaking survey by the consultant and fix FTL boundaries and only those lakes where survey and fixation of FTL boundaries is complete, have been notified vide different notifications notified in District Gazette, over a period of time, which are posted on-line for all public to see and be aware of.
 - d. It was mentioned that even though the name of Narsingi lake-2 was included in the preliminary list of lakes to be surveyed and fix FTL boundaries, upon physical verification no water body found at the defined site.
 - e. Upon physical inspection of the said area there was no lake or water body found in the said area and no dumping of demolition waste. Historically these lands were under paddy cultivation, which might have been stopped due to urbanization of surrounding areas.

- f. That a canal by name Bhulkapur Nala is seen flowing from west to east on north side of the site. The Nala is found intact without any encroachments or dumping of debris. The Committee felt that the buffer zone along the nala should be demarcated and maintained as per G.O Ms No. 168 dated 07.04.2012.
- g. In compliance of the directions of the Ld. NGT, the Committee has requested all concerned departments of the state government to provide information about the schemes, if any launched by the state of Telangana for the purpose of protecting the water bodies in the state, including removal of encroachment, fixation of FTL and buffer zone, including this lake and making the water bodies free of pollution and encroachment, to which the State Government had responded that they are already seized of the matter as they are dealing with numerous such cases where serious anomalies noticed between physical condition of lands, revenue, irrigation records and HMDA master plan showing water bodies and list of lakes for protection prepared by them previously. It was further informed that the Master Plan 2031 contained lot of factual errors, therefore the State Government is contemplating review of the lakes list by conducting fresh survey and rectify the List of Lakes to be protected and the HMDA master plan accordingly. As soon as the orders are issued the Joint Inspection Committee will be informed and file their response before the Tribunal in- terms of the Hon'ble Tribunal's orders at para 12 of the order dated 21.05.2020.
- h. It is informed by the State Authorities that the Government of Telangana in its G.O Ms. No. 74 dated 24.04.2021, noting that discrepancies exists between various records issued orders appointing Nodal Officers stating that "*due to the discrepancies in the certification of FTL of maps of lakes / water bodies/ tanks by the Irrigation Department and certification of correctness of survey numbers of corresponding lakes/ water bodies/ tanks by the revenue department the issue of final notification by the HMDA is getting delayed. Government accordingly appointed Additional*

Collectors (local bodies) of Hyderabad, Rangareddy, Medchal Malkajgiri, Yadadri Bhongiri, Medak, Sangareddy and Siddipet districts as Nodal Officers and entrusted the responsibility of field work of the Lake Protection Committee showing the lakes to the consultants physically, resolving the discrepancies/errors in FTL maps of Irrigation department and revenue statements and cadastral maps of revenue department, coordinating and attending meetings convened by HMDA at all stages till final notification. They must work with the HMDA and appointed consultant on all related works closely to complete the final notification process for all the identified lakes at the earliest."

- i. It was further submitted that, as on the date of filing the report, the work was under progress across the State for resolving the discrepancies/errors in FTL maps of Irrigation department and revenue statements and cadastral maps of revenue department and complete the final notification process for all the identified lakes after proper survey.
- j. The Joint Inspection Committee, on the basis of afore-mentioned facts/records and physical inspection concluded that the said report stating that the Joint Inspection Committee finds no water body or any activity of dumping of demolition waste in the area in question and that the said area does not appear to have been a waterbody at any point of time earlier. In view of there being no water body and no dumping activity, its corresponding violation not found, hence there were no remedies suggested/implemented in the instant issue.

50. Respondent No.3 submitted that the very first step in the process to include lake in a lake list, is to give a lake ID to the lakes identified from the GIS/Satellite data. The lake ID is to be corrected based on the feedback received in the instant case, lake ID 2939 and the name Narsingi lake-2 was given to a particular location on the GIS map. Respondent No.3 further submitted that it's a well-known fact that, in Telangana State, lake names end with Cheruvu/Kunta/Talab but not an English word like Lake, much less Lake-2.

Further, while naming the unidentified locations, temporary names like Narsingi Lake-1,2,3 etc with lake IDs were given. The location of the said Narsingi lake-2 falls in Poppalaguda village and not in Narsingi, the neighboring village. Further, it was submitted that after the preliminary survey, the consultants have reported back stating that *"the lake is not recorded in the Revenue Records and also not existing on the field as reported by the Collector"*. This goes to show that the said Narsingi lake-2 with lake ID 2939 exists neither physically on the field nor in the Irrigation and Revenue Records and therefore, it has not even been notified preliminarily.

51. Respondent No.3 submitted that after numerous such cases being noticed, the State Government reversing the earlier process followed by HMDA, issued a G.O vide G.O.Ms.No. 74 dated 24-04-2021 appointing Additional Collectors of Districts as Nodal Officers to identify lakes based on the Revenue & Irrigation records/ and after field survey, superimpose the same on GIS maps to resolve or reconcile the discrepancies. Such exercise was in progress.

52. Further, Respondent No.3 submitted that the Hon'ble NGT has disposed of the case No. OA No.72 of 2020 (SZ) and aggrieved by the NGT orders, Complainant filed Civil Appeal before the Hon'ble Supreme Court of India vide Diary No. 12490 of 2024 and the same is pending for adjudication.

Counter on behalf of Respondent No.4:

53. Respondent No.4 filed a reply submitting that the allegation stating that M/s Phoenix Global Spaces (P) Ltd., situated in Sy. No's 271, 272, 272/1, 273, 273/1 & 274, Puppalguda (V), Gandipet (M), RR District which is under the TGIIC – IALA *"has encroached and disturbed water bodies, i.e., Narsingi Lake -2 bearing HMDA Lake Id 2939 and Bhulkapur Nala, to reclaim the water body into multipurpose zone for the purpose of construction activity in prohibited area, thus in contravention of existing rules"* and also suppressed information in the TG RERA Form "B" and the TG RERA application form that the site is under litigation and the case was running in the National Green Tribunal, Chennai vide case No.72/2020 that currently appeal is pending before the Hon'ble Supreme Court vide Diary No.12490/2024.

54. In this regard, Respondent No.4 submitted that as per the IA Order No. 39/2020 & Final order No. 72/2020 and as per the pending case in the Hon'ble Supreme court vide docket No.2490/2024, TGIIC is not a party/Respondent in the said OA. Also, there are no such orders passed by the NGT restraining TGIIC to issue Building Permit Orders.

55. It was further submitted that the Executive Engineer, I & CAD Dept, Irrigation Division No.1 vide Lr.No.EE/Irrg.DivnNo.1/HYD/DB/DEE-T/AEE/D3/2021-22/1131, dt:17.08.2021 has given attested location sketch showing the extent of land affected in the Sy No 272 & 273 duly showing the 9M Nala buffer zone on Northern side and a buffer zone of 30M abutting to Heritage Pipeline in the said survey numbers.

56. Further, the Complainant has also made certain allegations against MD, TGIIC that two BPOs are issued on the same site area and on area under litigation and on falsified GPA Agreements/Landowners documents. In this regard, Respondent No.4 submitted that, based on the documents submitted by M/s. Phoenix Global Spaces Pvt Ltd., it was noticed that the land owners of this 10.50 Acres Sri Kothakapu Nagireddy and 11 other family members have made a development agreement with M/s. Phoenix Global Spaces Pvt Ltd., vide Doc No.6581/2019, Dt: 02.03.2019 for development of IT/ITES office building. Government of Telangana MA & UD vide G.O.Ms.No. 240, Dt: 05.09.2019 has included Sy.No's 271, 272, 272/1, 273, 273/1 & 274 Puppalaguda in TGIIC - IALA for development of IT Parks/SEZs/IT/ITES office Spaces and subsequently, Gazette notification was released by the Principal Secretary to Government on Dt: 06.09.2019. Vide G.O.Ms.No. 260 MA & UD, Dt:26.10.2019 the usage of above Sy.No's 271, 272, 272/1, 273, 273/1 & 274 to an extent of Acres 26 - 35 Gts was changed from Partly water body use and partly recreational (Green Buffer Zone) use to Multipurpose use.

57. It was submitted that while taking into consideration of all the above documents, submitted by M/s. Phoenix Global Spaces Pvt Ltd., the MSB (Multi storied building committee) was held on Dt: 27.08.2021 and the application was

scrutinized by the committee and approval was issued. Upon approval of the application in the Multi storied building Committee, a fee intimation letter was issued to M/s Phoenix Global Spaces on Dt: 06.09.2021 for the payment. On payment and submission of all the documents, the technical approval was issued on 01.10.2021.

58. It was also submitted that based on the Technical Approval dated 01.10.2021 and all the mandatory documents, clearances and NOC's issued by the various line departments viz Fire Dept, Airport Authority of India, State level Environment Impact Assessment Authority (SEIAA) and major clearance issued by the EE, I&CAD stating that there is no presence of Narsingi Lake in Sy.No's. 272 & 273, the Building Permit Order Vide permit No. IIC/0229/2021, Dt: 06.10.2021 was issued by the Zonal Manager & Executive Officer, TGIIC Cyberabad.

Points for consideration:

59. After deliberating upon the contentions of the parties and the documents filed by them, the following issues sprout for consideration:

- I. Whether the Complainant is an 'aggrieved person' under the provisions of the Act, 2016 so as to maintain the present Complaint against the Respondents?
- II. Whether the Respondent Nos.1 & 2 have violated Rule 14(1)(a)(iii) of the Rules, 2017 by suppressing/not uploading of information of /status of pendency of litigation?
- III. Whether the Complainant is entitled to the relief(s) as prayed for? If yes, to what extent?

Observations of the Authority:

60. As can be gathered from the case records the matter was listed on 23.01.2025, 13.02.2025 and 18.02.2024 and that through notices issued and were served on the Complainant. She (Complainant) has failed to enter appearance, and hence, the matter has been proceeded accordingly.

Point I

61. The Respondent No. 1 in its counter and the Respondent No. 2 by adopting counter of Respondent No.1, and as also in their arguments have vehemently contended that the Complainant has filed the present Complaint in the nature of public interest litigation, that no legal injury was caused to her by their actions and hence contented that the Complainant cannot be termed as an aggrieved person for filing of the present Complaint under section 31(1) of the Act, 2016 and pursue any remedies under the act and hence prayed to dismiss the Complaint. In this connection, it is to be noticed that the scrutiny officer of this authority has also raised objection with regard to maintainability of the present Complaint filed by the Complainant apart from other objections.

62. In the circumstances it has to be examined as to whether the present Complaint filed by the Complainant under section 31(1) of the Act, 2016 is maintainable or not.

63. Section 31(1) of the act reads as follows: -

“31. Filing of complaints with the Authority or the adjudicating officer:

-

(1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the Rules and Regulations made thereunder against any promoter, allottee or real estate agent as the case may be.

Explanation :- For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

(2) The form, manner and fees for filing complaint under sub-section (1) shall be such as may [Prescribed].

64. A plain reading of this provision makes it abundantly clear that only a person aggrieved under the provisions of the act, 2016 is eligible to file a complaint before this authority.

65. Therefore, now it has to be seen as to whether the Complainant herein can be said to be an aggrieved person for filing of the present Complaint on hand under section 31(1) of Act, 2016 and pursue her remedies under the said act. Admittedly on a careful reading of the Complaint, it will be clear that there is nothing in it to indicate that she (Complainant) is an "allottee/purchaser" in any of the projects of the Respondent No. 1 or Respondent No. 2, by purchasing or booking any flat or property. When that is so it has to be looked into as to whether the Complainant who is not an "allottee", "purchaser", or "interested" in the project can be said to be an aggrieved person under Section 31(1) of the Act, 2016.

66. The word person has been defined under section 2(28), but in section 31(1) the word person is further qualified by aggrieved person. The phrase "aggrieved person" by all means used in section 31(1) of the act would mean a person who is regulated or governed by the act and that there is an injury of the right conferred under the said act. Further the phrase used in the said Section 31(1) is any "aggrieved person" and "not any person".

67. Thus, one is required to establish that one has been denied or deprived of something to which one is legally entitled in order to make one "a person aggrieved". The meaning of the words "a person aggrieved" is sometimes given a restricted meaning in certain statutes which provide remedies for the protection of legal rights. The restricted meaning requires denial or deprivation of legal rights. As can be seen in the present case the complainant, has not placed on record any material nor has filed any supporting documents on record before this authority to establish that she was denied or deprived of something to which she was legally entitled in order to categorise her as an aggrieved person, as such this Authority is constrained to hold that she (Complainant) is not an aggrieved under the provisions of the Act, 2016.

68. Furthermore, the Respondent Nos. 1 and 2, with regard to maintainability of the present Complaint, have relied upon the decision rendered by the Hon'ble High Court of Bombay in the matter of *Dr. Yogesh Keshav Bele versus Maharashtra Real Estate Regulatory Authority and Ors (SA No. 432 of 2023)*,

where in the Hon'ble High Court in Para Nos.2 and 11 to 15 extracted here under was pleased to observed and hold thus: -

“Para No.2 The Appellant is an individual having land adjoining to the plot developed by Respondent No.3 known as ‘Blue Heaven’. The Appellant is not an allottee in the said project of Respondent No.3 xxxx ”

“Para No.11 In this context, it is necessary to examine the scheme of the RERA Act to ascertain whether a person who is not an “allottee” or “interested in the project” can be said to be an “aggrieved person” under Section 31 of the RERA Act for lodging the complaint of the violations. xxxx”

“Para No.12 The preamble of the RERA Act provides for establishment of the Regulatory Authority to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal of matters connected with the sale of plot, apartment, buildings or sale of real estate project. Section 2(d) defines “allottee” in relation to a real estate project to mean a person to whom a plot, apartment or buildings has been allotted, sold or otherwise transferred by the promoter and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or buildings as the case may be is given on rent. xxxx”

“Para No.13 On a harmonious and holistic reading of various above referred provisions of the RERA Act, in my view, a person who is not at all connected with the project of the promoter since he had not booked any flat in the said project cannot be said to be an “aggrieved person” under Section 31(1) for filing complaint. The Explanation to Section 31(1) provides that “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The “aggrieved person” under the RERA Act could be an allottee or real estate agent or promoter or association of allottees or any voluntary consumer association registered under any law for the time being in force. A person who is not at all connected or interested in the project but seeks to redress his private grievances as a person occupying the adjoining land next to the project cannot be said to have any locus to file a complaint and redress his private grievances by taking recourse to the RERA Act. The remedy of such a person lies somewhere else and not before the Regulatory Authority under the RERA Act.xxxx”

“Para No.14 Section 31(1) of the RERA Act uses the expression “any aggrieved person”. The word “person” is defined under Section 2(28) but in Section 31(1) the said word “person” is further qualified by “aggrieved”. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceedings unless he satisfies that he falls within the category of “aggrieved person”. Only a person who has suffered legal injury can challenge the act/ action/order in

a Court of law. A “legal right”, means an entitlement arising out of legal rules. The phrase “aggrieved person” used in Section 31(1) of the RERA Act would mean a person who is regulated or governed by the said Act and there is an injury of the right conferred under the said Act. The phrase used in Section 31(1) is “any aggrieved person” and not “any person”. The Appellant is not covered by the RERA Act and therefore he cannot be said to be an “aggrieved person” to take recourse to Section 31(1) of the RERA Act. The Appellant complainant can at the most lead evidence as witness but he cannot claim the status of an adversarial litigant. The Appellant complainant cannot be a party to the lis because no legal right is conferred on him by the RERA Act.xxxx”

“Para No.15 In the instant case, admittedly the Appellant is not an “allottee” in the project being developed by the Respondent No. 3. The allegation made by the Appellant are with respect to violation of various laws by the developer in the development of the project. The grievance appears to be made in the nature of private or public interest and not what is governed and regulated by the RERA Act.”

“Para No.16 Therefore, in my view, the Appellant cannot be said to be a “person aggrieved” to make a complaint under Section 31(1) of the Act and take recourse to the provisions of RERA Act for redressal of his grievances.”

69. This decision of the Hon’ble High Court of Bombay, in the considered view of the authority, is directly applicable to the facts and the circumstances of the present case on hand.

70. In light of the ruling given by the Hon’ble High Court of Bombay as also in view of the forgoing detailed discussion it has to be held that the Complainant cannot be termed as an aggrieved person under the provisions of the Act 2016, Furthermore, neither did she claim to be an allottee, agent, promoter or such other person, in order to establish her grievance. Therefore, the conclusion that can be drawn is that the present complaint filed by the Complainant under Section 31(1) Act, 2016 is not maintainable and, as such, is liable to be dismissed for want of locus of the Complainant.

71. Hence, Point I is answered accordingly against the Complainant.

Point II

72. The Complainant has alleged that Respondent Nos.1 and 2 have suppressed the aspects of pendency of litigation and that by doing so they have obtained certificates of Registration, however Respondent No.1 in its counter affidavit dated 13.02.2025 and Respondent No.2, by adopting the same, have categorically contended that the litigation status of the pending matters have been duly uploaded by them on the web page of respective projects.

73. Keeping in view the rival contentions, it has to be seen as to whether there was any suppression of the status of litigation by Respondents No.1 & 2 while obtaining registration certificates from this Authority in respect of their projects.

74. Admittedly a careful scrutiny of the Complaint will reveal that there is no whisper indicating that the Respondents No. 1 & 2 were parties to the litigation vide W.P No. 36396 of 2017 which was stated to be pending before the Hon'ble High Court concerning the Occupancy Rights Certificate in respect of Survey Nos. 271, 272, and 273 of Puppalguda Village, Gandipet Mandal, Ranga Reddy District and as also in Civil Revision Petition No. 1241 of 2019 on the file of the Hon'ble High Court for the State of Telangana at Hyderabad.

75. A careful perusal of the judgment in the said O.A No. 72/2020 passed by the Hon'ble National Green Tribunal (SZ), Chennai, it will be evident that Respondent No.1 Phoenix Spaces Private Limited in the present Complaint was impleaded as Respondent No. 8 in the said O.A as per the orders passed in I.A. No. 12/2022(SZ) on 16.02.2022. When that is so, the inference that can be drawn is that the Respondent No.1 should have come to know about the said O.A on or after 16.02.2022, much about 2 months and odd days of issuance of Registration No. P02400003565 dt. 20.11.2021, and not prior to that date. That means, in all probability, as on the date of registration of its project, Respondent No. 1 should have not been aware of the pendency of litigation vide the above said O.A filed by the Complainant before the above said Hon'ble tribunal. When that is so, the presumption that can be drawn is that there was no suppression of pendency of litigation covered by the above said O.A by the Respondent No. 1 herein while obtaining the above said Registration No. P02400003565 dt. 20.11.2021.

76. Coming to registration bearing No. P02400008107 dated 29.04.2024, the Respondents No 1 & 2 have categorically contended that the litigation status has been duly uploaded by them on the web page of respective projects. To find out the truth or otherwise in the contentions of the Respondents, the office of this authority on verification of web page of respective projects of the Respondents have noticed that both registrations detailed hereinabove have duly uploaded the status of litigation pending before the Hon'ble supreme court vide dairy No. 12490/2024 filed by the Complainant. Therefore, in these circumstances, it cannot be said that the Respondents have suppressed litigation pending before the Hon'ble Supreme Court and it can be held that the Respondent Nos.1 & 2 have not committed any violation of rule 14(1)(a)(iii) of the rules,2017.

77. Point II is answered accordingly.

Point III

78. This Authority is of the considered view that it is desirable to discuss reliefs (i) to (x) as detailed in Para No.26, together to avoid repetition in discussing the material available on record before us. As can be gathered, the Complainant herein appears to have been seeking these reliefs basing on her main contentions as detailed herein above in Para No. 22.

79. The Hon'ble Tribunal while admitting the matter (O.A) on 21.05.2020, had directed the joint committee, which was constituted in a similar case viz., O.A No. 39 of 2020(SZ) to look into the issue involved in the said case filed by the Complainant herein who was applicant therein and directed them to submit a status as well as action taken report. Thereafter the Hon'ble Tribunal after framing two questions, had elaborately discussed and analysed all the aspects, from all the angles, including the report submitted by the joint committee and pronounced judgment holding that there existed no Narsingi Lake 2 in Sy. Nos.272, 273 & 276 of Narsingi Village, Rajendranagar Mandal, Ranga Reddy District, State of Telangana and so also holding that the prayer of the Complainant herein and as applicant therein to restore the Narsingi Lake 2 in Sy. Nos.272, 273 & 276 was legally not feasible and in the result has dismissed the said O.A. No. 72 of 2020(SZ) with the following extracted observations and findings:

“24. G.O. Ms. No. 240 dated 05.09.2019 MA and UD Department, the Government of Telengana had notified the lands in Sy. No. 271 to 274 to be included in adjoining industrial area, local authority for developing IT parks, SEZ/ITES office spaces. G. No. 260 dated 26.10.2019 MA and UD Department had notified the change of land use of the lands in SF. Nos. 271 to 274 from partly water body and partly recreational to multipurpose use zone. The village map of the Poppalguda village furnished by the office of the District Collector, Rangareddy District, there is no mention about the lake or water body in the area in question. The list of lakes identified by HMDA refers to Narsingi Lake-2 without the survey numbers details following in Narsingi Village and given a lake ID No. 2939 with the foot note saying this lake is not recorded in the revenue records and is not existing on the field as reported by the Collector. The Joint Committee had gone through all the above referred documents and found that they are private patta lands and there is no lake or water body in the said lands as per the Revenue, Irrigation and HMDA except for the HMDA Master plan.”

“25. Even the Joint Committee which upon physical inspection has found that there was no lake or water body found in the said area and there is no dumping of demolition waste. Historically these lands were under paddy cultivation which might have been stopped due to urbanization of surrounding areas. The Bulkapur Nala is seen flowing from west to east on north side of the site and the nala is found intact without any encroachments or dumping of debris. The Committee has only recommended that the buffer zone along the nala shall be demarcated and maintained as per G.O Ms. No. 168 dated 07.04.2012.”

“26. The Joint Committee has filed its 2nd report dated 18.08.2022 where it was directed to verify the satellite imageries of the relevant area for a period of time including the time at which the master plan was prepared by the HMDA, It was also directed to verify the pre-independence revenue records relating to this area to ascertain the classification of the land. The Joint Committee had verified the satellite images furnished by the National

Remote Sensing Centre, Hyderabad (NRSC) from 1990 every 05 years, monsoon and non-monsoon periods with the given longitude and latitude corresponding to SF. Nos. 271 to 274 Puppalguda Village. Upon examination of the satellite images no lake or water body is located on the said location under question. Regarding the pre-independence revenue records, it is informed that there are no records available in the State of Telengana. But the Sethwar which is considered as the prominent office record for survey and settlement of lands in the State is available. Besides, Sethwar, the Pahanis and village maps are the other important records relied upon for all the revenue purposes. The original Sethwar and subsequent Pahanis and the Village maps prepared in the year 1942, in respect of the location in question shows that the land in SF. Nos. 271 to 274 of the Poppalaguda Village are classified as patta lands which was under cultivation and assessed as dry land for the revenue purpose.”

“28. Thus, the report of the Joint Committee has categorically found that there is no water body in the SF. Nos. 271 to 274 of Poppalguda Village at any point of time and that the State machineries have taken by the task of identifying the lakes based on the revenue and irrigation records once the said exercise is completed lake protection committee will take care.”

“35. The applicant makes allegations based on the Google Map Images, Topo Map, and the Master Plan of HMDA. However, the fact that the Master Plan of HMDA is being revised by correcting the various anomalies by appointment of Nodal Officers, which goes to show that the Master Plan is to be revised. Since a Government Order (G.O.Ms. No. 260 dated 26-10-2019) is already issued by the State Government confirming the change in Land Use to Multipurpose Use after carrying out extensive verifications thorough various departments, the said reference to water body in the master plan (which is admittedly an error and without following established procedure) is of no relevance as the changed land use is being certified by the same authority, does not warrant any interference and the Applicant cannot be permitted to take advantage of isolated incidence of error by filing such Applications. In respect of the listing of the purported lake with Lake ID 2939, the same is self explanatory as non existent and also in view of the

process already mentioned by the Joint Committee in its Report, especially when there is no notification by the Lakes Committee to that effect.”

“36. The specific case of the applicant is that the inlet channels to the lake have also been obliterated by the project proponent. The applicant also relied on the National Remote Sensing Centre geo-platform, the list of lakes notified by the HMDA, HUDA master plan, HMDA master plan 2031, Bhuvan's survey of India Topo maps, digital survey using Google Earth and Field survey etc., to show that the SF. Nos. 271, 272 and 276 are part of the Narsingi Lake-2. It was further contended that the Environmental Clearance granted to the 8th respondent was also issued without considering the proposed construction on the water body. To be noted is that the said Environmental Clearance is not put to challenge till now.”

“38. As observed supra, the Gazette notification and the draft variation of the master plan of HMDA allowed for change of land use of the land from partly water body use and partly recreational use to Multipurpose use in respect of lands in Sy. No.271 to 274 of Puppalaguda Village by the G.O. Ms. No.260 dated 20.10.2019. The contention of the applicant cannot be considered and none of the G.Os are put to challenge by the applicant.”

“39. From the reports of the official respondents and also that of the Joint Committee, it is evident that the State itself has taken up the task of identifying the lakes and the protection of the same by appointing nodal officers due to the discrepancies in the certification of FTL of lakes/water bodies/tanks by the Irrigation Department and certification of correction of survey numbers of the corresponding lakes/water bodies/tanks by the Revenue Department and issued final notification till such time the process is completed and the Narsingi Lake-2 as claimed by the applicant is demarcated and notified, direction cannot be issued by this Tribunal. As already mentioned. supra, the applicant has not challenged any of the G.O issued for change of land use from water body zone and this Tribunal cannot repeal the notification in the absence of any specific challenge to the same.”

“41. From the above, it is evident that the contention of the applicant that there existed a lake by name Narsingi Lake 2 is not substantiated by the revenue and other Government records. Moreover, a verification of the satellite imageries by the District Collector as well as the Joint Committee in conjunction with field inspection reveals that in the said survey numbers, there is no lake by name Narsingi Lake 2. The fact that there is no mention of the water body in the said survey numbers is evident in the note of notification of the HMDA relied upon by the applicant. Therefore, we hold that in Sy. Nos. 271, 272, 273 & 274, as reported by the Revenue Authorities and the Joint Committee, there is no water body or lake and Issue No.1 is held accordingly.”

“42. In as much as the claim of the presence of water body in Sy. No.271 to 274, where the 8th respondent is undertaking his project, is not substantiated by the revenue records, the question of construction of their project in the water body does not arise. Moreover, the project proponent has assured that he will abide by the terms and conditions imposed by the Irrigation Department while granting the NOC for the construction of the project and will not put up any structures in the buffer zone as stipulated in the NOC. In as much as the project proponent is constructing the impugned project after obtaining necessary clearance from various authorities, it cannot be said that it is being constructed in a water body or in a buffer zone.”

“43. It is also to be noted that the construction of the said project in the said survey numbers, for which, the EC has also been obtained is being undertaken after obtaining necessary approvals from various Government Agencies, including the Municipal Administration and Urban Development Department. Neither the said land use conversion orders of the Government issued in the year 2019 has been challenged by the applicant nor that can be entertained by this Tribunal for want of Jurisdiction.”

“44. In view of the detailed discussions made above, we hold that no case could be made out that there existed a lake viz., Narsingi Lake 2 in Sy.

Nos.272, 273 & 276 of Narsingi Village, Rajendranagar Mandal, Ranga Reddy District, State of Telangana. Therefore, the prayer of the applicant to restore the Narsingi Lake 2 in Sy. Nos.272, 273 & 276 is not legally feasible.”

“45. However, in view of the G.O Ms. No. 74 Municipal Administration and Urban Development Department dated 24.04.2021 wherein Additional Collectors have been appointed for Rangareddy, Medchal-Malkajiri, Yadadri-Bhongiri, Medak, Sangareddy Districts as Nodal Officers and entrusted with the responsibility of field work of the lake protection committee showing the lakes to the consultants physically resolving the discrepancies/errors in FTL maps of Irrigation Department and revenue statement and cadastral maps of Revenue Department, it is open to the applicant to approach the appropriate nodal officers and express her grievance. This liberty is given because the said work is not yet complete. However, any work in pursuance to the G.O. would be prospective.”

80. A plain reading of the above-quoted findings of the Ld. NGT with respect to the allegation posed by the Complainant herein, it is evident and apparent that no such lake land exists in the government or revenue records on which the Projects are being constructed. A detailed reading of the contentions filed by the Respondent No.1 and Respondent No.3 would go to show that the findings of the Joint Committee Report established by the Ld. NGT would go to show that there was no encroachment of any lake by Respondent Nos.1 & 2.

81. However, it is pertinent to note that the Respondents have submitted that the current issue is pending adjudication before the Hon’ble Supreme Court vide Civil Appeal bearing Diary No.12490/2024. The Complainant has also in her present Complainant has stated that she has filed the above said appeal and that it is pending before the Hon’ble Supreme Court. Thus, when the matter has been taken cognizance by the Hon’ble Supreme Court and is sub-judice and has not reached any finality, this Authority is of the considered view that it cannot conclusively hold anything with respect to the said aspects.

82. Furthermore, the important aspect that has to be taken note of is that vide G.O.Ms. No. 260 dated 26-10-2019, the state government of Telangana confirmed the change in land use to multipurpose use after carrying out extensive verifications through various departments. This G.O., as can be gathered from the contents of the Complaint on hand, was not challenged before any authority by the Complainant herein or anyone else. Similar is the case with regard to the G.O Ms. No. 240 (MAUD Pig-III) dated 05-09-2019 also. That means these 2 G.Os are still in force till to date and according to Respondents No.1 & 2 they are in compliance with all the necessary requirements and are updating all the required data as stipulated under the Act, 2016 in all aspects. On verification from the webpage of the respective project, by office of this authority it would be evident that the projects are live projects with allottees. If really there was Narsingi lake-2 water body in existence in the Sy. Nos 271,272,273 and 274, and that the land in these Survey Numbers was encroached upon, then in all probability some or the other allottees of the Respondent Nos 1 & 2 would have certainly approached this authority in the matter for appropriate reliefs. But however, as per the office record of this authority no allottee of Respondent Nos. 1 & 2 have approached this authority till date with any sort of grievance. From these all circumstances the conclusion that can be drawn is that the lake Narsingi Lake -2 did not exist in Sy. Nos. 272,273 & 276 of Narsingi Village and when that is so the question of encroachment of the land covered by such alleged lake may also does not arise.

83. Further as pointed out earlier, the current issue is pending adjunction before the Hon'ble Supreme Court and in the absence of findings from the Hon'ble Supreme Court, considering, for a moment, even though material at hand establishes evidence to the contrary, that the Respondent Nos.1 & 2 have fraudulently obtained the building permissions as mentioned in Registration Nos. P02400008107 & P02400003565 respectively, and therefore their registrations are liable to be revoked in accordance with Section 7(1)(d) is too premature in the opinion of this Authority.

84. Nevertheless, in the event of the Hon'ble Supreme Court holding that there has been any encroachment by Respondent Nos.1 & 2 of the lake land, the said

Respondents are liable to compensate all the allottees in both the projects bearing Regn Nos. P02400008107 & P02400003565 in accordance with Section 18(2) which stipulates that “the promoter shall compensate the allottees in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under this Act, and the claim for compensation under this sub section shall not be barred by limitation provided under any law for the time being in force.”

85. With respect to the allegation of the Complainant that two different registrations have been granted to two different companies, it is observed that Regn.No.P02400003565 dated 20.11.2021, has been granted to M/s Phoenix Global Spaces Private Limited i.e., the Respondent No.1 herein for construction of commercial building with 32 floors in Sy. No.272/P, 273/P & 274/P at Puppalguda, Gandipet, Ranga Reddy District. This building permit was obtained and duly granted by Respondent No.4 in the extent of 42492.15 sq mtrs. i.e., Acres 10.2. Registration was granted to this project on the basis of the documents filed by the Respondent No.1.

86. Subsequently, vide DGPA bearing No.8150/2023, the Respondent No.1 gave rights to the Respondent No.2 to construct a residential multi-storey building in the adjacent land bearing same survey numbers having extent of 42492.15 sq mtrs. Accordingly, Regn. No.P02400008107 dated 29.04.2024 was issued in favor of Respondent No.2 subject to all the verified documents duly uploaded by the Respondent No.2 also marking Respondent No.1 as the promoter as he is the landowner in the Project. Registration has been granted by this Authority in phases in accordance with Section 3(2) of the Act, 2016 and as the Respondent Nos.1 & 2 have duly complied with the relevant provisions of the Act, 2016 & the Rules, 2017, this Authority has granted registration to the Respondents for commercial building & the residential complex in the same survey numbers.

87. It is evident from the material available on record that the Respondent No.3 did not submit that the property situated in Sy. No.272/P, 273/P & 274/P at Puppalguda, Gandipet, Ranga Reddy District is under prohibition list. This

Authority has verified the encumbrance certificate on the subject land, and noticed that subject property is not under the prohibition list. Therefore, no investigation is required on the said aspect.

88. As the matter is sub-judice before the Hon'ble Supreme Court, this Authority cannot proceed further unless the Hon'ble Supreme Court disposes of the matter finally.

89. In view of the facts and circumstances of the facts as discussed herein above in the forgoing paras the reliefs (i) to (x) are decided accordingly holding that the revocation of the registrations as prayed for in the reliefs (i) and (ii) cannot be granted, and that the investigations as prayed for in reliefs (iii) to (viii) are also not required to be taken up.

90. With respect to relief (xi), this Authority is not entrusted with any such powers to initiate criminal action against the Respondents. Hence, this relief (xi) as prayed for cannot be granted.

91. Therefore, the Point III under discussion is answered accordingly.

92. In lieu of the above discussions, the present 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