

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

COMPLAINT NO.399/2023/TSRERA

Dated: 16th October 2023

Sri Solipuram Mallareddy

Dr Anil Kumar

Sri Adepu Sreenivas

.... Complainant

Versus

M/s Ace Ventures India Private Ltd.

.... Respondents

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

Appearance: This case came up for a hearing on 11th October 2023 before this Authority. The complainant party present in person, along with counsel was present and of the Respondent party present in person along with Counsel. After hearing the submissions made by the parties, the Authority passed the following order.

ORDER

The relief sought pertains to the revocation of the registration granted to the Respondent for the project, ACE Ashaya and Alaya, under Section 7 of the 2016 Act. The Authority had previously considered this matter and was of the preliminary opinion that the present complaint is not maintainable. The observations made are as follows:

2. It has been observed that this Authority, under the RERA Act, lacks jurisdiction to address disputes related to land encroachment and

unauthorized construction activities undertaken by the Respondents. Nevertheless, the Authority is of the view that the Complainant should address their concerns regarding their shares to the Hyderabad Metropolitan Development Authority (herein after referred as HMDA) . The Complainant did inform the Bench that the same dispute was already brought before the HMDA, which subsequently delegated the matter to the Panchayat for a report on the deviations, as per a letter dated 17th January 2019 (Ref: 15048/HMDA/2008). The Mandal Praja Parishad conducted an inspection, and a report was submitted regarding the deviations. This matter is currently pending before various authorities. The Authority also notes that the Hon'ble High Court, in WAP 150 of 2023, set aside the order passed in WP no. 650 of 2023, thereby allowing the construction of the disputed subject, and directed the concerned Respondents to take action based on the report within 6 weeks. However, the said matter is also pending before the Panchayat Secretary. This Authority believes that it has only jurisdiction to protect the interest of the Project and the interest of the allottees. Therefore, the current complaint is prima facie not maintainable before this Authority as the said complainant is neither an allottee nor a promoter/landowner but a mere Neighbour with the consent of land encroachment.

1. 3. On 11th October 2023, learned counsel for the parties was unable to convince the Authority that a dispute between the neighbouring colony association and the licensed landowner of the project, concerning land encroachment, falls within the jurisdiction of this Authority. This Authority's jurisdiction extends only to inter se disputes between the promoter and allottee. In cases of such disputes, the complainants can seek recourse with the HMDA or the civil court. It is not denied that the disputed matter is already pending before the competent authority between the present complainants and the Respondent. Therefore, if the complainants perceive any form of illegal activity on the part of the Respondent regarding their right to develop the Real Estate project, they can seek redress from the Civil Court or the Appropriate Authority. This Authority cannot grant the relief of revocation under section 7 of the Real

Estate (Regulation and Development) Act, 2016, as the present Complaint does not meet the criteria for classification as an "aggrieved person," as prescribed by the provisions of the 2016 Act. This determination is grounded in the fact that the Complainant does not fit within any of the designated categories outlined in the Act, which encompass being an allottee, an association of allottees, or a voluntary association. The Complainant, in this instance, has been unable to furnish the Authority with any evidentiary support or an authorization letter demonstrating her qualification as an aggrieved person in accordance with the definition articulated in Section 31 of the RERA Act. Section 31 is reproduced herein for reference:

31. (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.

4. In light of the aforementioned perspective, the Authority concludes that the present complaint is not maintainable, and accordingly, it is dismissed.

Sd/-

Sri. K. Srinivas Rao, Hon'ble Member

TS RERA

Sd/-

Sri. Laxmi NaryanaJannu, Hon'ble Member

TS RERA

Sd/-

Dr.N.Satyanarayana IAS(Retd), Hon'ble Chairperson

TS RERA