

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

Dated: 22nd April, 2026

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

COMPLAINT NO. 368/2025/TGRERA

Vookanti Mahendar Reddy, S/o. V Bhupathi Reddy,
R/o. H.No. 2-10-459, Teachers Colony, Phase-II,
Waddepally, Hanumakonda, Telangana - 506370

...Complainant

Versus

M/s. Mihira Buildcon
Rep. by its Managing partner, Chada Sukesh Reddy,
Having its office at 1-1-27/14, Prashanth Nagar,
Waddepally, Hanumakonda Mandal, Hanamkonda District.

...Respondent

The present matter filed by the Complainant herein came up for final hearing before this Authority in presence of Complainant in person and their counsel and counsel on behalf of the Respondent; upon pursuing the material on record and on hearing arguments of both the parties and having stood over for consideration till this day, this Authority now proceeds to pass the following **ORDER:**

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "RE(R&D) 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 Respondent.

A. The brief facts of the case, as stated by the Complainant, are as follows:

3. The Complainant submitted that he is the Plaintiff in Civil Suit O.S. No. 42 of 2008 (renumbered as O.S. No. 373 of 2022) before the Hon'ble I Additional District Judge at Hanamkonda, seeking Specific Performance of Contract against the original vendors, who were subsequently set ex parte. During the pendency of the suit, M/s Avinash & Sukesh Constructions, represented by its managing partners i.e., Chada Sukesh Reddy, Chada Pushpak Reddy, Chada Shailaja Reddy, and Chada Rameshwar Reddy, filed for impleadment through

I.A. Nos. 134 and 423 of 2017, which was allowed on 25-04-2018, and were arrayed as Defendants No. 4 to 8. They are active participants in the ongoing litigation and the matter is presently posted for cross-examination of DW1. The said Defendants, having full knowledge of the pending suit, established a new entity, M/s Mihira Buildcon, and registered a project titled “CSR 99” with TS RERA under Registration No. P00300002756, covering lands in Survey Nos. 539/A, 540, 541, 543, 550 & 620, Plot Nos. 1-1-27/7(P) & 1-1-27/14, Hanamkonda. While applying for RERA registration, they deliberately suppressed the existence of the civil suit, violating Section 4(2)(1)(D) of the RE(R&D) Act.

4. The Complainant had submitted a representation to TG RERA on 20-10-2021. Though notices were issued to the Respondent on 30-11-2021 and again on 07-03-2022, no reply was filed. Furthermore, the Respondent executed multiple registered sale deeds and created mortgage charges over semi-finished flats, despite the absence of Completion or Occupancy Certificates from the Authority. Despite a pending ad-interim injunction order dated 30-09-2024 in O.S. No. 373 of 2022 restraining alienation, and a specific observation by the Hon’ble Supreme Court in SLP(C) No. 12400 of 2023 dated 29-01-2025 that “further construction shall be at the Respondent’s own risk and peril,” the Respondent proceeded with sales and financial transactions. The Complainant contends that the registration of the project was obtained by misrepresentation and concealment of material facts, amounting to fraud under the provisions of the RE(R&D) Act. He accordingly prays that this Hon’ble Authority take cognizance, initiate appropriate proceedings under Sections 7, 60, and 61 of the RE(R&D) Act, direct the Respondent to disclose all pending litigation, and suspend or cancel the project’s RERA registration in the larger interest of justice and the rights of innocent homebuyers.

B. Relief(s) Sought

5. *Accordingly, the Complainant sought the following relief(s):*

i. To take cognizance and initiate appropriate proceedings under Sections 7, 60, and 61 of the Act,

ii. Direct the Respondent to disclose all pending litigation, and suspend or cancel the project’s RERA registration

C. Counter filed by the Respondent

6. The Respondent in their counter, alleged that the Complainant is neither an allottee, promoter, builder, nor consumer under the RE(R&D) Act, 2016, and therefore lacks locus standi to invoke RERA's jurisdiction. He states that the Complainant does not satisfy the criteria

for classification as an aggrieved person under Section 31 of the Act. The complaint was filed with mala fide intent to interfere with and override suit proceedings pending before the Civil Court. The complaint is not filed in proper Form M and is liable to be rejected at the threshold without going into the merits.

7. It was submitted that the suit in O.S. No. 373 of 2022 was filed for specific performance of the alleged handwritten agreement of sale. The project site does NOT fall within the alleged suit schedule property. Defendant Nos. 4-8 in the suit acquired land admeasuring 9,596 sq. yards through registered sale deeds (Doc. Nos. 6990 of 2016 and 6991 of 2016). The Respondent's construction activity is only on 4,555.14 sq. meters. The permitted construction as per the ROC No. C110612017 dated 31.01.2018 does not fall within the alleged suit schedule property, confirmed by KAKATIYA URBAN DEVELOPMENT AUTHORITY's rejection order dated 25.04.2020. The Civil Court, in its order dated 07.02.2024, in I.A. No. 135 of 2022 in O.S. No. 373 of 2022, categorically observed that the suit-scheduled property is situated in different survey numbers compared to the registered documents of Respondents 4-5, where construction is carried out. Hence, no concealment or misrepresentation occurred.

8. The building permission of the Respondent was challenged before KAKATIYA URBAN DEVELOPMENT AUTHORITY, which rejected the petition vide ROC No. C110612017 dated 25.04.2020. The rejection was challenged before the Hon'ble High Court of Telangana in W.P. No. 18099 of 2022, which was dismissed on 28.03.2022 on merits. The writ petition was then appealed via W.A. No. 298 of 2022 before the Division Bench. The owners of the project site preferred a Special Leave Petition before the Supreme Court via SLP C No. 12400 of 2023. The Hon'ble Supreme Court of India, vide its order dated 29.01.2025 in Civil Appeal No. 1245 of 2025, decided the issue in favor of the Respondent and owners, permitting them to carry out construction. The Supreme Court specifically observed that the civil suit was dismissed for default on 11.09.2012 and restored on 29.06.2016 without the court reimposing any injunction. Therefore, as of the date the writ appellate court disposed of the appeal, no subsisting order of injunction existed. The Supreme Court concluded that the judgment of the writ appellate court was premised on an entirely erroneous appreciation of the factual position and was indefensible. This Supreme Court decision attained finality.

9. After receiving legal notice dated 28.01.2017 from the Complainant to defendants 4-8 in O.S. No. 373 of 2022, the defendants came to know about the suit's pendency and filed two implead petitions (I.A. No. 134 of 2017 and I.A. No. 423 of 2017) under Order I Rule 10 CPC

for impleading themselves as defendants 4-8, which were allowed by the Civil Court vide orders dated 25.04.2018. The allegation that defendants 1-3 never participated in the trial is false; they filed written statements and subjected the Complainant to cross-examination. The Respondent acquired a registered DAGPA bearing Document No. 5640 of 2021 dated 09.02.2021 with owners 1 and 2 (now defendants 5 and 6).

10. The Respondent had registered the project with TS RERA before RERA without any legal or statutory requirement to disclose pending litigation, as the suit's subject matter does not pertain to the project site. The alleged suit schedule lands in O.S. No. 373 of 2022 are imaginary and unidentifiable as the Complainant furnished no descriptive particulars nor localized the same during trial/cross-examination. The registered DAGPA does not pertain to any lands forming part of the suit's subject matter. Since the project site does not form part of the suit schedule property, there was no requirement to disclose the same to RERA.

11. Section 3 of the RERA Act, 2016, only prohibits alienation without RERA registration. Since the project is duly registered with TS RERA by the Respondent, no restriction exists on alienating semi-finished flats to prospective purchasers. Section 17 stipulates that in the absence of conveyance deeds, property shall be delivered to purchasers within three months from occupancy. There is no absolute bar on alienation of semi-finished flats executed at the request of prospective purchasers for obtaining housing loans for their own benefit.

12. The Respondent and owners obtained statutory permission from KAKATIYA URBAN DEVELOPMENT AUTHORITY (ROC No. C110612017 dated 31.01.2018) for developing the project site into a residential building. KAKATIYA URBAN DEVELOPMENT AUTHORITY's rejection order vide ROC No. C110612017 dated 25.04.2020 confirms the permission is valid. No violation of KAKATIYA URBAN DEVELOPMENT AUTHORITY regulations or building norms occurred. The Complainant's petitions before KAKATIYA URBAN DEVELOPMENT AUTHORITY, High Court, and Supreme Court all relate to an injunction claim that was never subsisting on the date of property purchase by defendants 4-8.

13. During the pendency of the suit, construction was restricted to 4,555.14 sq. meters out of the total land of 9,596 sq. yards. However, after the Supreme Court's order dated 29.01.2025, the restriction has been lifted and construction can proceed. The trial court erroneously allowed I.A. No. 730 of 2024 on the sole basis of the fraudulent order dated 05.06.2023 passed in W.A. No. 298 of 2022. However, the Supreme Court set aside the order dated 05.06.2023 vide its

order dated 29.01.2025. Therefore, the order in I.A. No. 730 of 2024, which is entirely founded on the same, is now a nullity and void.

14. As on the date of the final hearing of I.A. No. 730 of 2024, the entire superstructure was already completed with only final finishing work remaining. Evidence, including photographs, was brought on record during the trial. Defendants 4-8 categorically submitted before the Civil Court that they did not proceed with final finishing works while abiding by the order dated 05.06.2023 passed in W.A. No. 298 of 2022 and were awaiting the Supreme Court's outcome in SLP C No. 12400 of 2023. The Supreme Court's decision now permits completion of the project.

15. The Respondent is put to strict proof by the Complainant to establish that the project site is forming part of the suit schedule lands in O.S. No. 373 of 2022. No material evidence has been produced to show that the Respondent is carrying out development activities over lands forming part of the suit schedule lands. The Complainant has failed to establish any violation of the RE(R&D) Act provisions or rules. The Respondent and project owners suppressed nothing; the project site does not form part of the suit lands. There has been no violation of RERA provisions or rules by the Respondent. RERA did not commit any violation or dereliction of duty in granting project approval.

16. The Complainant claims to have submitted representations previously before RERA, which is denied by the Respondent. The Complainant has not filed any document to substantiate this claim and is put to strict proof. It is equally incorrect to contend that the Respondent has not responded to any letters from RERA.

17. The Respondent alleges that the Complainant has repeatedly filed frivolous petitions before various forums like KAKATIYA URBAN DEVELOPMENT AUTHORITY, High Court, Supreme Court, on similar facts, and is now re-agitating the same matter before RERA. The Complainant's filing of I.A. No. 730 of 2024 during the pendency of the Special Leave Petition was an attempt to save face and shield himself from contempt and perjury charges for having misled the Hon'ble High Court while obtaining the order dated 05.06.2023 in W.A. No. 298 of 2022. The present RERA complaint is part of the same pattern of harassment and mala fide litigation.

18. The Respondent seeks to dismiss the complaint in its entirety with exemplary costs in the interest of justice. The Respondent prays that RERA pass such other orders as it deems fit and proper in the facts and circumstances of the case.

D. Rejoinder filed by the Complainant

19. The Complainant in his rejoinder submitted that the Para No.4 of the Counter Affidavit filed by the Respondent stated that it is incorrect that the Project site does not fall within the alleged suit schedule property. The Respondent made the statement intentionally with a view to misguide this Hon'ble Authority. The Respondent made false averments and furnished false information, preventing this Hon'ble Authority from passing appropriate orders, and the truth remains that one Chada Sukesh Reddy and his brother Chada Pushpak Reddy jointly purchased the land extent Ac. 4298 Sq. Yards situated in Sy.Nos. 539/A, 540, 541, 543, 550 and 620 of Waddepally Village, Hanumakonda Mandal and District under registered Sale Deed bearing Document No. 6990/2016 dated 18-08-2016 from M/s. Avinash and Sukesh Constructions and others and on the same day, the mother and brother of Chada Sukesh Reddy named Chada Shailaja Reddy and Chada Rameswar Reddy purchased the land extent 5298 Sq. Yards situated in Sy. Nos . 539/A, 540, 541, 543, 550 and 620 of Waddepally Village, Hanumakonda Mandal and District under registered Sale Deed bearing Document No.6991/2016 dated 18-08-2016.

20. The Complainant submitted that the land owners Chada Sukesh Reddy, his brother Chada Pushpak Reddy, adjacent land owners Azmira Vijaya, Guguloth Sali and Nareddy Tharabai submitted an Application to the Kakatiya Urban Development Authority, Warangal 4555.14 Sq.Meters. The other Partners in M/s.Mihira Buildcon constructed a multi-storeyed building on the land extent, i.e., Chada Shailaja Reddy and Chada Rameswar Reddy, though the owners of the land adjacent to the site did not make any Application for the construction of the building. Their land is kept open.

21. The multi-storeyed building is being constructed in the project site belong to Chada Sukesh Reddy and others. On perusing the boundaries of the schedule property of Chada Sukesh Reddy in Document No.6990/2016 Dated: 18-08-2016 and document of his mother Shailaja Reddy in Document No.6691/2016 Dated: 18-08-2016 clearly disclose that no construction activity is going on in the land belong to Shailaja Reddy and Rameswar Reddy and the building is being constructed in the land which is suit schedule property.

22. The suit schedule property situated in Sy.No.620, 539/A and other survey numbers. On perusing the building permission, it discloses that the Urban Development Authority granted permission for the construction of the building in Sy. No.620, 539/A, 550, 540, 543 and 541.The Vendor of the Chada Sukesh Reddy has the land extent of 5300 sq. ft. Yards in Sy.No.620 and 1150 Sq. Yards in Sy.No.539/A. Major portion of the land is situated in

Sy.No.620. The small extent of the land in other survey numbers. On perusing the document of Sukesh Reddy and his mother Shailaja Reddy, it does not disclose that what is the extent of the land covered by the land in Sy.No.620 in which the building is being constructed. Admittedly, the Sy.No.620 and 539/A of the part of the schedule property and the building is being constructed in Sy.No.620, 539/A and other survey numbers. If the survey is conducted, the truth will be revealed that the project site is part of suit schedule property.

23. In the counter, it is repeatedly stated that the project site is not covered by suit schedule property. Boundaries of the schedule property and boundaries of the documents of the Chada Sukesh Reddy and his brother are very much clear that the project site is part of the suit schedule property. For the sake convenience, the extent of the land in each survey number are clearly explained in the following table.

Sy.No	Extent of the land in Sq. Yards
620	5300
539/A	1150
540	1700
541	726
550	400
543&539/A	300
Total	9576

24. The total extent of the land in Sy.No.620 and 539/A is 6450 Sq. Yards. In such an event, the balance land will be available 3126 Sq. Yards. In the total extent of the land, Chada Sukes Reddy and his brother are the owners of the land extent 429 11 counter are having 5290 Sq yards. They are not having any other Sq. Yard and whereas Shailaja Reddy and Deponent in the land near the site. Therefore, it is clear that with a view to misguide this Hon'ble Authority, wilfully furnished the false information to this Hon'ble Authority with an intention to misguide this Hon'ble Authority for passing wrong orders.

25. The Applicants Chada Sukesh and his brother committed another blunder mistake wilfully while getting RERA permission from this Hon'ble Authority. The Vendor of the Applicant M/s.Avinash and Sukesh Constructions purchased the land extent 1150 Sq. Yards in Sy.No.539/A under the registered Sale Deed bearing Document No.7939/2012. The said document disclose the link Document No.5411/2000. On perusing the schedule property in the said document, it disclose that extent 1150 Sq. Yards is situated in schedule property Sy. No.797/New. When the Vendor of the Vendor purchased the land in Sy. No.797/New, but

whereas the Vendor of the Applicant named Chada Sukesh Reddy who is the Managing Partner in M/s.Avinash and Sukesh Constructions tampered the survey number as 539/A instead of 797/New and got registered by misguiding the Registration Department. On perusing the Village map, there is a distance about 3 Kms between Sy.No.539/A and Sy.No.797/New. Therefore, it is clear that Sy. No.797/New extent 1150 Sq. Yards is not the part of the project site, but it is situated in different location and misguided the RERA in granting permission by mentioning fake survey number 539/A even though the Applicant did not have proper title.

26. The Applicant committed another and misguided the RERA in getting permission. The extent of the land in Sy.No.550 is 200 Sq. Yards. The link documents of Applicants stand on the name of M/s.Avinash and Sukesh Constructions are perused, one document No.8097/2015 Dated: 17-10-2015 disclose that there is a 30 feet road towards eastern side and another document No.7660/2015 Dated: 30-11-2015 disclose that there is a 30 feet road towards eastern side and another 30 feet road towards southern side. The said roads are encroached by M/s.Avinash and Sukesh Constructions by mentioning that eastern side and southern side the land of said documents belong to M/s.Avinash and Sukesh Constructions instead of existing roads.

27. The Kakatiya Urban Development Authority granted building permission that the construction should be completed within a period of 7 years. The period of 7 years is completed on 30-01-2025. Thereafter, the building permission is not extended. But still, the Respondents are proceeding to construct the building without making any Application for extension of period.

28. The RERA permission is granted up to 22-07-2025 and thereafter the RERA did not extend the period. But still the Respondents are proceeding further for making further construction of the building, collecting the advance amount from the customers, and executing the Agreement of Sale.

C. Observations and Order

29. At the threshold, this Authority finds it necessary to examine the maintainability of the complaint. The question of whether the Complainant qualifies as an “aggrieved person” under Section 31 of the RE(R&D) Act is a jurisdictional issue that goes to the root of the matter and must be decided before any enquiry into the merits.

30. Section 31(1) of the RE(R&D) Act provides that “any aggrieved person may file a complaint with the Authority 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 for any violation or contravention of the provisions of this Act against any promoter, allottee or real estate agent.” The Complainant admittedly is neither an allottee, a promoter, nor a real estate agent in respect of the Respondent’s project. His sole claimed interest arises from an alleged oral or handwritten agreement of sale, the very existence and enforceability of which remains to be adjudicated by the Civil Court in O.S. No. 373 of 2022.

31. The Hon’ble High Court of Bombay in *Dr. Yogesh Keshav Bele v. Maharashtra Real Estate Regulatory Authority [(2023) 6 AIR Bom R 154]* has held that the phrase “any aggrieved person” in Section 31(1) means a person regulated or governed by the Act who has suffered an injury of a right conferred under the Act. A stranger who has not suffered any legal injury cognisable under the RE(R&D) Act cannot invoke RERA’s jurisdiction.

32. Applying the aforesaid position of law, this Authority finds that the Complainant has suffered no legal injury cognisable under the RE(R&D) Act. He does not hold any right as an allottee, nor does he have a registered title to the property in question. His grievance, if any, is purely civil in nature and must be addressed before the Civil Court, where the suit is already pending. This Authority is therefore of the considered view that the Complainant does not fall within the ambit of “aggrieved person” under Section 31 of the RE(R&D) Act and consequently lacks locus standi to maintain the present complaint.

33. Since the Complainant does not have locus standi, this Authority refrains from entering into the merits of the allegations, including the question of whether the project land overlaps with the suit schedule property or whether there has been any suppression of material facts at the time of registration. Those questions, to the extent they involve disputed title, are matters for the Civil Court. This Authority accordingly expresses no opinion thereon. In view of the above, the complaint is dismissed for want of locus standi.

34. Notwithstanding the dismissal of the complaint for want of locus standi, this Authority is of the considered view that a distinct regulatory issue arises on the face of the record. Section 4(2)(1)(D) of the RE(R&D) Act casts a mandatory obligation upon every promoter to disclose, at the stage of registration, all pending litigations pertaining to the project land. This statutory obligation operates independent of the identity or maintainability of the complainant and is not

rendered otiose by the subsequent lapse of the project registration. The lapse of registration may have a bearing on the exercise of powers under Section 7 relating to revocation; however, it does not obliterate or condone any omission or misrepresentation at the time of obtaining registration. Consequently, the conduct of the promoter, insofar as it relates to compliance with disclosure requirements, remains amenable to regulatory scrutiny by this Authority.

35. The record prima facie discloses that O.S. No. 42 of 2008 (renumbered as O.S. No. 373 of 2022), involving the project land, was subsisting at the time the Respondent applied for and obtained registration of Project “CSR 99” (Registration No. P00300002756) in March 2021. No disclosure of this pending litigation appears to have been made in the application for registration. If established, such non-disclosure would attract a penalty under Section 60 of the RE(R&D) Act, which provides that a promoter who provides false information or contravenes the provisions of Section 4 shall be liable to a penalty extending up to five percent of the estimated cost of the project.

36. Accordingly, the Secretary, TG RERA, is directed to issue a Show Cause Notice to the Respondent, M/s. Mihira Buildcon, represented by its Managing Partner Chada Sukesh Reddy, calling upon the Respondent to show cause why a penalty under Section 60 of the RE(R&D) Act should not be imposed for alleged non-disclosure of the pending civil suit O.S. No. 373 of 2022 at the time of registration of Project “CSR 99”, in contravention of Section 4(2)(1)(D) of the RE(R&D) Act. The Show Cause Notice shall be issued within fifteen (15) days from the date of this order, and the matter shall be placed before this Authority for appropriate orders thereafter.

37. For the aforementioned reasons, the present complaint is not maintainable as the Complainant has failed to establish locus standi under Section 31 of the RE(R&D) Act

38. However, the relief prayed for by the Complainant to revoke the registration of the Respondent’s project has become infructuous in view of the lapse of the project registration.

39. Accordingly, the complaint is dismissed.

Sd/-
Sri. K. Srinivas Rao,
Hon’ble Member
TG RERA

Sd/-
Sri. Laxmi NaryanaJannu,
Hon’ble Member
TG RERA

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