

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

[Under the Real Estate (Regulation and Development) Act, 2016]

Date: 28th October, 2025

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. 169/2025/TG RERA

Vuyyala Nageswara Rao,

(R/o H.No: 9-2/13, 2nd Floor, PMR Enclave, Nagaram, K.V. Ranga Reddy Dist Hyderabad 500083)

...Complainant

Versus

1. M/s. Krithika Infra Developers

2. Mr. D. Gopal, Director of M/s. Krithika Infra Developers

3. Mr. D. Srikanth, MD of M/s. Krithika Infra Developers

4. Mrs. Radha Bukya, MD of M/s. Krithika Infra Developers

5. Mr. D. Sashikanth, Executive Director of M/s. Krithika Infra Developers

(Office at 3rd & 4th Flr, Sri Padanjali Building, Beside Bahar Café, Opp. HP Petrol Pump, LB Nagar, Hyderabad, Telangana -500074)

...Respondents

The present matter filed by the Complainant came up for hearing on 18.07.2025 before this Authority, in the presence of the Complainant in person and no one appeared for the Respondents despite due service of notice. After hearing the submissions of the Complainant, the matter was set ex parte on 18.07.2025. This Authority now proceeds to pass the following

ORDER:

2. The present Complaint have 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 reliefs against the Respondents.

A. Brief Facts of the Case as per Form M submitted by the Complainant:

3. It was submitted that the Complainant, Vuyyala Nageswara Rao, purchased a flat from the Respondent, M/s. Krithika Infra Developers, in their project located at survey no. 215, Boduppall village, Medchal-Malkajgiri District.

4. It was stated that the Complainant had opted for a flat in a pre-launch offer, admeasuring 1350 Sft. The Complainant submitted that he paid the full consideration of ₹36,45,000/-, with the total payment being completed by 29th January 2023. It was further stated that the Complainant received an Agreement of Sale on 27th September 2024.

5. The Complainant contended that the Respondent had verbally promised that the flat would be handed over by June 2024. However, it was alleged that as of the date of the complaint, there was no progress at all in the construction.

6. It was further submitted that while the Respondent had obtained permission from the Boduppal Municipal Corporation on 23rd September 2023, this approval was only for the construction of (2 Cellar + 1 Stilt + 1 upper Floor). The Complainant alleged that this was contrary to the Respondent's representation that the approval was for 10 floors. It was contended that the Respondent had not received the necessary approvals for the full, promised construction, nor had they obtained RERA approval for the project.

7. Finally, the Complainant alleged that when they pressed the Respondent for the registration of the land (UDS), it was discovered that the Respondent did not have the land in their possession to register in the Complainant's name.

B. Relief(s) Sought

8. Accordingly, the Complainant sought the following reliefs:

- i. Instruct the Promoters to register the land to the non register members
- ii. Instruct the Promoters to get the RERA registration
- iii. Instruct the promoters to develop the development works at the earliest.
- iv. If the above 1, 2 & 3 points are not possible then we would request the RERA Authorities to issue the orders in this matter to get the full refund for the above said amount with interest from the date of full payment as per the govt. norms.
- v. Till the time of refund process the M/s. Krithika Infra Developers should not do any activity of selling the land or cancelling of Development agreement to registered members.
- vi. Request the RERA Authorities to give the time lines for the above request as we are paying the interest through EMI's.

C. Points for Consideration

9. The following issues arise for consideration by the Authority:
- I. Whether the Respondents have violated Sections 3 & 4 of the RE(R&D) Act, 2016 by not registering the project, Sheshadri's Silver Oak?
 - II. Whether the Complainant is entitled to the relief sought? If so, to what extent?

D. Observations of the Authority

10. The record clearly indicates that despite due service of notice through registered post and substituted service, the Respondents have failed to appear before this Authority, nor have they filed any written response or made any representation to contest the allegations made by the Complainants. Such persistent non-appearance and failure to respond, despite repeated opportunities afforded, demonstrate a deliberate disregard for the proceedings of this Authority. Therefore, after being satisfied that due process was duly followed and all procedural requirements were complied with, this Authority was constrained to proceed ex parte against the Respondents by order dated 18.07.2025.

POINT I

11. The Agreement of Sale dated 27.09.2024 and supporting documents placed on record by the Complainant clearly establish that the Respondent No. 1, M/s. Krithika Infra Developers, had launched and marketed a project titled "Sheshadri's Silver Oak" proposed to be developed at Survey No. 215, Boduppall Village, Medchal-Malkajgiri District, Telangana. The land admeasuring approximately 13,658 square yards (about 11,418 square meters), as revealed through the documents and representations, was intended to host multiple residential apartments across several blocks. The Complainant was allotted a flat on the 1st Floor, with a built-up area of 1350 Sq. Feet in the said project and executed an Agreement of Sale, for which substantial payments were made towards the total sale consideration.

12. It is evident from the above that the area of land involved in the proposed project far exceeds 500 square meters, and the number of apartments proposed clearly surpasses the threshold of eight units. Therefore, the project does not fall within the ambit of exemption prescribed under Section 3(2) of the Real Estate (Regulation and Development) Act, 2016, which limits exemption only to projects below 500 square meters or eight apartments, inclusive of all phases. Accordingly, the project Sheshadri's Silver Oak mandatorily required registration

with the Telangana Real Estate Regulatory Authority prior to any form of advertisement, marketing, booking, or sale.

13. Further, under Section 4 of the RE(R&D) Act, 2016, every promoter is obligated to submit an application for registration of a real estate project, enclosing all requisite documents and disclosures as prescribed under the Telangana Real Estate (Regulation and Development) Rules, 2017. In the present case, there is no evidence on record to show that the Respondent no. 1 had ever applied for such registration. On the contrary, the material before this Authority clearly shows that the Respondent No. 1 has entered into Agreements of Sale with the Complainant, collected substantial sale consideration, and even undertaken to register undivided shares of land, all without obtaining prior registration. Such conduct amounts to a direct contravention of Sections 3 and 4 of the RE(R&D) Act, 2016.

14. The actions of Respondent No. 1, launching a “pre-launch offer,” advertising, accepting bookings, executing sale agreements, and collecting payments without registration, constitute grave statutory violations. These actions defeat the very objective of the Real Estate (Regulation and Development) Act, 2016, which is to ensure transparency, accountability, and protection of consumer interests in the real estate sector. The said non-compliance with the mandatory registration provisions renders the entire transaction illegal and voidable at the instance of the allottees.

15. In light of the above discussion, this Authority holds that the Respondent no. 1 has clearly violated the provisions of Sections 3 and 4 of the Real Estate (Regulation and Development) Act, 2016. The Respondent no. 1 is, therefore, liable for penal action under Section 59 of the RE (R & D) Act, 2016 for having advertised, marketed, sold, and entered into agreements for the sale of flats in the unregistered project “Sheshadri’s Silver Oak.” This conduct not only undermines the statutory objectives of the RE(R&D) Act, 2016 but also causes serious prejudice to the rights and financial security of the allottees.

16. It is pertinent to mention that this Authority has already dealt with similar violations by the same Respondent in Complaint No. 115 of 2024, which related to this very project. A penalty of ₹9,96,050/- (Rupees Nine Lakhs Ninety-Six Thousand and Fifty Only) was imposed on the same Respondents for violation of Sections 3 and 4 of the RE(R&D) Act, 2016 for the same project. Therefore, the issue of unregistered development by the Respondent-promoter in the present case stands on an identical footing, and has already been addressed through the said earlier order.

17. Further, this Authority, in its Order in Complaint No. 86 of 2025 dated 16.10.2025, has declared the Respondent No. 1/Promoter, M/s Krithika Infra Developers, as a “defaulter” for continuous and willful violations of the provisions of the Real Estate (Regulation and Development) Act, 2016. Accordingly, all developmental activities undertaken by the said Respondent no. 1 are to be terminated with immediate effect, and the Respondent No. 1/Promoter is restrained from carrying out any further advertisement, marketing, booking, sale, or offer for sale of any apartment or part thereof in the said project or any other projects in the future, in any manner whatsoever. The relevant portion of the above-mentioned order reads as follows:

Para 23. Further, the Respondent has consistently exhibited wilful contempt for the authority. Despite due service of notices, publication of public notice, and repeated opportunities, the Respondent has failed to appear, file replies, or offer any explanation. Such recalcitrant conduct demonstrates wilful disobedience, procedural evasion, and a premeditated intention to obstruct justice and subvert regulatory oversight. The Respondent's conduct strikes at the very root of the regulatory mechanism envisaged under the RE(R&D) Act, thereby undermining the faith of allottees and the integrity of the real estate sector.

Para 24. In light of the above, and considering the grave, continued, and wilful violations of statutory obligations, coupled with the malafide intent to deceive and defraud the public at large, this Authority is constrained to hold that the Respondent has engaged in malpractice, unfair trade practice, and deliberate misrepresentation within the meaning and spirit of the Real Estate (Regulation and Development) Act, 2016.

Para 25. Accordingly, in exercise of the powers conferred under Sections 37 and 38 of RE(R&D) Act, 2016, and in the larger public interest, this Authority hereby declares Respondent No.1, M/s. Krithika Infra Developers, to be a “defaulter” and a habitual violator of the provisions of the RE(R&D) Act. Consequently, the Respondent, including its directors, partners, and associated entities, is prohibited from undertaking, advertising, marketing, booking, selling, or registering any new real estate project within the jurisdiction of this Authority.

POINT II

18. Upon careful examination of the documents and submissions placed on record, this Authority observes that out of the total sale consideration of Rs. 36,45,000/- the Complainant

has paid Rs. 36,44,998/- to the Respondents as per the Agreement of Sale dated 27.09.2024, towards the purchase of a residential flat in the project titled “Sheshadri’s Silver Oak” situated at Sy. No. 215, Boduppall Village, Medchal–Malkajgiri District. The payments were received by the Respondents in the following manner:

Sl.No.	Date	Mode of Payment	Amount	Transferred to
1	24-10-2022	By Cash	99,999	Kishan
2	07-11-2022	By Cash	99,999	Kishan
3	09-11-2022	By Online	4,50,000	ICICI Bank
4	10-11-2022	By Online	4,50,000	ICICI Bank
5	28-11-2022	By Online	2,50,000	ICICI Bank
6	01-12-2022	By Online	9,50,000	ICICI Bank
7	02-12-2022	By Online	3,50,000	ICICI Bank
8	28-01-2023	By Online	4,98,000	ICICI Bank
9	29-01-2023	By Online	4,97,000	ICICI Bank
		Total	36,44,998	

19. It is evident from the record that the construction activity on the project site has not commenced to date, and the Respondents have failed to secure the requisite approvals and permissions from the competent planning authorities.

20. Under Section 18(1) of the Real Estate (Regulation and Development) Act, 2016, a promoter is bound to return the amount received from an allottee, along with interest at the prescribed rate and compensation, in the event that the promoter fails to complete or is unable to give possession of the apartment, plot, or building as per the terms of the agreement for sale.

21. In the present case, the Respondents, having received the substantial sale consideration without initiating construction, have evidently failed to perform their statutory obligations as promoters. Consequently, the Complainant is entitled to a refund of the amount paid along with interest as stipulated under Rule 15 of the Telangana Real Estate (Regulation and Development) Rules, 2017, which prescribes that the rate of interest payable by the promoter to the allottee shall be the State Bank of India’s highest Marginal Cost of Lending Rate (MCLR) plus two percent.

22. Therefore, this Authority holds that the Complainant is entitled to a refund of the entire sum of ₹36,44,998/- paid towards the purchase of the flat, along with interest at the rate prescribed under Rule 15 of the Telangana Real Estate (Regulation and Development) Rules,

2017, i.e., the State Bank of India's highest MCLR + 2% per annum, calculated from the respective dates of payment made by the Complainant until the date of actual refund by the Respondents.

E. Directions of the Authority

23. In accordance with the discussions made above, this Authority, vide its powers under Sections 37 and 38, issues the following directions to the Respondents:

- i. The Respondents are directed to refund the entire amount of Rs. 36,44,998/- along with interest at the rate of 10.75% per annum (SBI MCLR of 8.75% + 2%) calculated from the respective dates of payment made by the Complainant until the date of actual refund by the Respondents, within 30 (thirty) days from the date of this order.

24. Failing to comply with the above-said direction by Respondents shall attract penal action in accordance with Section 63 of the RE(R&D) Act, 2016.

25. In view of the above, the present complaint is 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