

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

COMPLAINT NO.543 OF 2022

14th Day of November, 2023

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

Sri Chunchu Rama Krishna
Sri Bonagiri Suresh

...Complainant

Versus

M/s Dharani Developers

...Respondent

The present matter filed by the Complainant herein came up for hearing on 20.09.2023, and on 10.10.2023 before this Authority in the presence of Complainant present in person, Sri Suryanarayana Raju on behalf of the Respondent and upon hearing the arguments of the party, this Authority passes the following **ORDER:**

2. The present Complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "RERD Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") seeking directions from this Authority to take action against the Respondent.

A. Facts of the case as stated in the complaint filed by the Complainant:

3. The complainants purchased Flat No. 202 and Flat No. 201 in the "Green Jay Apartment" project (hereinafter referred to as the said project). They paid around Rs. 2.5 lakhs in cash, the rest 80% through a home loan which was released to the respondent. The Complainants alleged that there has been a delay in the completion of the Project and also that the project

RERA registration (P01100002536) has lapsed on 29th March 2022. There has been a halt in the construction of the Project for the past six months, and the Respondent, when questioned about the project status, has not been responsive to communication attempts by the Complainants.

4. As per the oral communications and RERA registration, M/s Dharani Construction has to complete the project on or before 29th March 2022, to which the builder has failed to handover the unit within time.

B. Relief sought by the complainant:

5. To direct the Respondent to handover the flat as soon as possible and take any appropriate action as the Authority deems fit.

C. Hearing Conducted:

6. On 20.09.2023, the complainants were present in person, whereas none appeared for the Respondent inspite of the notice from the Authority issued on dated 11.09.2023. The complainants have paid around 80% of the amount to the Respondent, but the respondent has failed to deliver the unit within the stipulated time as mentioned in the Sale Deed. As construction was at a halt, the Complainant did not pay the remaining balance. On being questioned by this Authority with respect to the progress of the construction stage, the complainants submitted that the slabs, walls, and tiles are done.

7. Subsequently, on the next hearing date 10.10.2023, both the parties appeared where the complainants reiterated the contentions made during the last hearing date. Whereas the Respondent submitted that due to Covid – 19, they had faced a financial drop which reflected on the Project completion. Further submitted that, as out of 20 flats only 6 flats have been sold, and the remaining units are still unsold, they have incurred a huge loss in the said project. But are willing to complete all the pending work for the complainants and are ready to handover the unit. For all the pending works in the Project, the respondents sought time for one and a half month. This Authority directed the Respondent to complete all the pending work within 1-2 months from the second date of hearing, meanwhile file an undertaking stating that all the pending works of the said project shall be completed and also directed

the Complainants to pay the remaining balance of the sale consideration to the Respondent as acknowledged by the Complainant before this Authority.

8. Further, the Respondent filed an undertaking Affidavit dated 09.11.2023, committing to handover the flats of the complainants in 45 days from the date when the pending amounts by both the complainants are cleared. The flats will be handed over to the complainants with the completion of the following work:

- a. Wood works completion includes door fixing
- b. Windows installation in all rooms
- c. Complete electrification in flat till meter
- d. Plumbing and sanitary works completion
- e. Drainage works completion
- f. Corridor and staircase tiles completion till 2nd floor
- g. Internal paints completion

9. Also, stated that as per the request of the complainants, the transformer shall be provided within 2 months after the completion of the above work in 45 days.

D. Directions of the Authority:

10. After consideration of the facts and circumstances, this Authority directs the following:

- I. The Complainants are directed to pay the remaining balance amount of the Sale consideration to the Respondent for the completion of the pending work and such pay shall be exclusively utilised for the completion of the pending work of the units of the Complainants.
- II. This Authority directs the Respondent to complete all the pending works once the balance amount is received as mentioned in the Affidavit dated 09.11.2023 within 60 days from the date of the receipt of the balance amount of sale consideration.
- III. The Respondent is directed to seek an extension of RERA registration for the said project by submitting an application, along with an explanation for the delay and supporting documents for further sale of

the flats in the said Project within 30 days from the receipt of this order.
The Respondent shall not sell or market any of the flats until the extension of RERA registration is received.

IV. The parties are hereby informed that failure to comply with this Order shall attract section 63 of the RERA Act.

11. In lieu thereof, the present complaint stands disposed of.

12. If aggrieved by this Order, the parties may approach the TS Real Estate Appellate Tribunal (vide G.O.Ms.No.8, Dt.11-01-2018, the Telangana State Value Added Tax Appellate Tribunal has been designated as TS Real Estate Appellate Tribunal to manage the affairs under the Act till the regular Tribunal is established) within 60 days from the date of receipt of this Order.

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

