

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

Complaint No. 285 of 2024

Dated: 17th April 2025

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

Sridhar Bollabathula

(R/o Flat no.G6, SR Castle, Road.10, Sri Sai Balaji Enclave, Mallampet, Bachupally, Qutubullapur, Ranga Reddy - 500090)

...Complainant

Versus

M/s. Vision Pride Infra Services

M/s Vision Pride Real Estate Developers

(representative by Tumuluri Santosh Kumar, H.no.06-3-1239/2, A, Koti's Court, 3rd floor, Rajbhavan Road, Somajiguda, Hyderabad- 500082.)

...Respondent

The present matter filed by the Complainant herein came up for hearing on 06.02.2025 before this Authority wherein the Complainant appeared in person and none appeared on behalf of the Respondent and set exparte. Upon pursuing the material on record and on hearing complainant submissions and having stood over for consideration till this day, the following order is passed:

ORDER:

2. The present 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 Respondent.

A. Brief Facts of the Case, as stated by the Complainant

3. The Complainant states that he had purchased Plot No. 2, admeasuring 133 square yards, situated in Survey No. 157 & 158 (as mentioned), located at Kalakonda Village, Madgugul Mandal, Ranga Reddy District, from the Respondent on 14th September 2019 for a total consideration of Rs. 23,00,000/-. The said transaction was executed through a registered sale deed bearing Document No. 27566/2019.

4. The Complainant submits that the subject plot is part of a layout which is not approved by the Directorate of Town and Country Planning (DTCP). Despite the lapse of more than five years since the date of purchase, the possession of the said plot has not been handed over to the Complainant.

5. It is further stated by the Complainant that as per the representations made by the Respondent at the time of sale, the development of the project, including all promised amenities, was to be completed within a period of two years. However, to date, no development work has been carried out at the site.

6. The Complainant further alleges that the said project is not registered with the Telangana Real Estate Regulatory Authority (TG RERA), in contravention of the mandatory requirements under the Real Estate (Regulation and Development) Act, 2016 ("the Act"). Such failure to obtain registration is claimed to be an irregular and unlawful practice.

7. The Complainant further avers that the same promoter, under a different business name styled as "Vision Prife Real Estate Developers," has continued to engage in similar real estate development activities involving plots, flats, and additionally tourism, gym, health insurance, and resort-related services. The Complainant asserts that the projects undertaken under this alternate name are also not registered with TG RERA.

8. Whenever the Complainant approached the Respondent seeking an update on the status of the project or the delay in handing over possession, the Respondent consistently replied that the matter was pending as they were still in the process of obtaining statutory approvals.

B. Relief(s) sought:

9. The Complainant seeks a direction to the Respondent to refund the total amount of Rs. 2,30,000/- (Rupees two lakh thirty thousand only), which was paid towards the purchase of the plot, along with interest for the period of delay.

10. The Complainant further prays that a penalty be imposed upon the Respondent for failing to register the said two projects, in violation of the provisions of the Real Estate (Regulation and Development) Act, 2016.

C. Observations of the Authority:

11. Upon perusal of the documents placed on record, it is observed that as per the Allotment Letter dated 02.12.2018, the Complainant had enrolled for a "membership" offered by the Respondent company, pursuant to which a complimentary plot admeasuring 133 square yards was allotted to the Complainant. The allotment letter explicitly states that the said land is being given on a complimentary basis as part of the membership benefits extended by the Respondent.

12. The allotment letter further stipulates that the registration and development charges amounting to Rs. 35,000/- were to be borne by the member separately, and that the member shall get the sale deed executed in his favour accordingly.

13. A registered Sale Deed dated 04.09.2019 is on record, which confirms that the aforementioned plot was registered in the name of the Complainant. The said transaction appears to have been completed in accordance with the terms mentioned in the allotment letter.

14. It is also pertinent to note that the allotment letter unequivocally mentions that the amount of Rs. 2,30,000/- was paid towards the membership fee, and not towards the purchase or sale consideration of the plot. The Authority therefore finds that the said amount cannot be treated as payment made for the purchase of an immovable property under a real estate project, as contemplated under the Real Estate (Regulation and Development) Act, 2016 ("the Act"). Rather, the payment appears to have been made towards availing certain ancillary or beneficial services being offered by the Respondent, including access to gyms, resorts, and other such facilities.

15. Accordingly, in the considered opinion of this Authority, the relief sought by the Complainant for refund of Rs. 2,30,000/- along with interest does not fall within the scope of the Act, and hence, stands rejected.

16. However, with regard to the alleged non-registration of the real estate project by the Respondent under Sections 3 and 4 of the RE(R&D) Act, and considering that the Respondent failed to appear before this Authority and did not submit any substantive documentation to justify the legal status of their activities, this Authority deems it appropriate to direct the Secretary, Telangana Real Estate Regulatory Authority (TG RERA), to initiate *suo motu* proceedings against the said promoter and all projects undertaken by the Respondent, under Sections 3 and 4 of the RE(R&D) Act, for prima facie violations.

17. The complaint stands disposed of in the above terms.

**Sd-
Sri. K. Srinivasa Rao
Hon'ble Member
TG RERA**

**Sd-
Sri. Laxminaryana Jannu
Hon'ble Member
TG RERA**

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

