

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

COMPLAINT NO.109/2020/TSRERA

Date of decision: 08.09.2023

Human Rights and Consumer Protection Cell Trust .... **Complainant**

**Versus**

M/s Elite BHEL Employees Mutually

Aided Co-operative Housing Society Ltd. & (3) Ors. .... **Respondents**

**Quorum:** Dr.N.Satyanarayana, Hon'ble Chairperson  
Sri. Laxmi Naryana Jannu, Hon'ble Member  
Sri. K. Srinivas Rao, , Hon'ble Member

**Appearance:** Complainant: Indrajith Thakur, rep of Human Rights  
and Consumer Protection Cell Trust  
Respondent: Venketeshwara Rao, rep of M/s Elite BHEL  
Employees Mutually Aided Co-operative  
Housing Society Ltd. & (3) Ors.

**ORDER**

The present complaint has been filed under section 31 of the Real Estate (Regulation and 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"), the following matters are considered,

1. The aforementioned complaint, formally submitted in Form M, pertains to a situation, wherein considerable members/consumers of the 1st Respondent housing society have approached the Complainants seeking legal advice regarding the venture undertaken by the Respondents. Each consumer paid approximately Rs. 7-8 Lakhs to the Respondents. The Complainants conducted a preliminary investigation into the allegations made by the consumers of the 1st Respondent. Due

to unsatisfactory replies from the 1st Respondent, several doubts were raised by the consumers of the 1st Respondent, including:

- a. The MOU dated 22.02.2018 is set to lapse on 19th March 2020 due to a violation of Article 5, which states that "the society shall execute the registered sale deed within 60 days, with an additional 30-day grace period, failing which the Society shall forfeit the advance amount of Rs. 7.00 Crores paid to the Landowners/Contractors on the date of executing this MOU."
- b. EC records from the registration department reveal that no sale deed has been executed by the landowners in favor of the 1st Respondent, despite the 1st Respondent receiving about Rs. 15 crores from approximately 225 consumers and paying it to the landowners.
- c. Not a single Agreement of Sale has been executed between the 1st Respondent and the Land Owners, even after receiving an amount of 15 crores from the Housing Society.
- d. As per the MOU, two model houses should have been constructed by the Respondent construction company, which they have not done to date.
- e. The venture has not been registered under TS RERA.
- f. All the records of the 1st Respondent that should have been open to consumers have been concealed by the President of the 1st Respondent.
- g. The 1st Respondent has refused to acknowledge written representations from Members/Consumers.
- h. The Respondents have been threatening Members/Consumers that they will unilaterally cancel the project if the Members/Consumers do not comply with their illegal demands.

**B. Prayer:**

2. To direct the Respondents to immediately comply with all the mandatory provisions of the RERA Act, 2016, and TS RERA Rules, 2017.
3. To safeguard the interests of the consumer/members of the 1st Respondent by ensuring the project is executed on time and that

Members/Consumers are not subjected to any loss or the project is not cancelled or scrapped.

### **C. Hearing Conducted**

4. A hearing took place on 01.08.2023, during which the Ld. Counsel was afforded an opportunity to furnish an authorization or Vakalatnama by the next hearing date. Consequently, the matter was scheduled for further proceedings on 08.09.2023.
5. In the course of the hearing held on 08.09.2023, the Ld. Counsel representing the Trust asserted that the Complainants had concurrently filed another complaint under file no. 572/2022 in Form M before the Authority, albeit with a different Counsel. Furthermore, the Ld. Counsel, Ms. Indrija Thakur, failed to submit a vakalatnama or any form of authorized representation to this Authority.

### **D. Directions of the Authority**

6. Based on the information provided, the Authority has ascertained that 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.*

7. So, in the view of the provisions of the Act quoted above, due to lack of *locus standi* of the complainant to submit the current application under Section 31 of the RERA Act, the present complaint is dismissed.
8. 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 Telanagana 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 receipt of this Order.

Sd/-

**Sri. Laxmi NaryanaJannu, Hon’ble Member**  
**TS RERA**

The background of this section contains a large, semi-transparent watermark. On the left is the TS RERA logo, which consists of stylized human figures in pink and blue. To the right of the logo is the text 'TS RERA' in large, bold, pink letters. Below this, in smaller pink letters, is 'TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY'. In the center background is a circular green seal of the Government of Telangana.

Sd/-

**Sri. K. Srinivas Rao, Hon’ble Member**  
**TS RERA**

Sd/-

**Dr.N.Satyanarayana, Hon’ble Chairperson**  
**TS RERA**