

**BEFORE THE HON'BLE TELANGANA REAL ESTATE APPELLATE
TRIBUNAL AT HYDERABAD**

I.A No. _____ of 2025

in

Appeal No. _____ of 2025

Against

Complaint No. 157 of 2024

Between:

M/S MEHTA & MODI REALTY KOWKUR LLP

...Petitioner/Appellant

And

MRS. DEEPA SURAJ PREMI AND ANR.

...Respondents/Respondents

AFFIDAVIT

I, Anand S Mehta, S/o. Suresh Mehta age about 47 years R/o Flat No.1402 on 14th Floor, Block No.B, Aparna One, situated at Plot No.96 in Sy.No.335, Shaikpet Village, Hyderabad, Telangana, the designated partner and authorized signatory of the Petitioner herein, do hereby solemnly affirm and state on oath as under –

1. I am the authorized signatory of the Petitioner herein and as such I am well aware with the facts of the case and able to depose hereunder.
2. The Petitioner herein has preferred the accompanying Appeal under Section 44 of the Real Estate (Regulation and Development) Act, 2016 ("**Act**") aggrieved by the Order dated 23.06.2025 in Complaint No. 157 of




2024 ("**Impugned Order**") passed by the Hon'ble Telangana Real Estate Regulatory Authority ("**Hon'ble Tribunal**").

3. The Petitioner is filing the present Petition seeking stay of the Impugned order.
4. It is submitted that The Hon'ble Tribunal has passed the Impugned Order without appreciating the facts, documents and material placed on record by the Appellant hereby failing to understand the stand of the Appellants.
5. The Petitioner places reliance on the contents and grounds of the main appeal in support of its submissions in the present application and for the sake of brevity and to avoid prolixity, the contents of the Appeal filed by the Petitioner may be read as part and parcel of the instant petition.
6. It is submitted that by virtue of the Impugned Order, the Hon'ble Tribunal has *inter alia* passed the following directions which are unfair and unjust –

(i) The Respondent is directed to pay a penalty of ₹10,99,992/- (Rupees Ten Lakh Ninety-Nine Thousand Nine Hundred Ninety-Two only) for contravention of Section 60 of the Real Estate (Regulation and Development) Act, 2016, on account of having furnished false information and made misrepresentations under the Form B affidavit, as well as for executing an agreement of sale different from the one uploaded on the webpage of the Telangana Real Estate Regulatory Authority (TG RERA). The said penalty shall be paid within thirty (30) days from the date of this Order, in favor of TG RERA FUND through a Demand Draft or online payment to A/c No. 50100595798191, HDFC Bank, IFSC Code: HDFC0007036; and

(ii) In view of the directive issued by the Hon'ble High Court in W.P. No. 3319 of 2013, the Respondent is directed to dissolve the previously

Anand Mehta & Modir



constituted association and initiate the formation of a new association strictly in accordance with the provisions of the Telangana Cooperative Societies Act, 1964;

7. It is humbly submitted that the penalty of Rs.10,99,992/- (Rupees Ten Lakh Ninety-Nine Thousand Nine Hundred Ninety-Two only) imposed on the Petitioner is unjustified, excessive, disproportionate and places an unbearable financial burden on the Appellant who is under severe financial constraints.
8. It is submitted that the penalty has been imposed despite the absence of any loss or prejudice to the Respondents and without consideration of the mitigating circumstances that would adversely affect the ongoing commitments of the Petitioners.
9. It is submitted that the Hon'ble Tribunal's direction to dissolve the "Greenwood Welfare Association" and to form another association under the Telangana Cooperative Societies Act, 1964, relying on W.P. No. 3319 of 2013, is misplaced. The cited judgment is distinguishable as it pertains to cases where the association's sole object is maintenance. The said judgement has been overruled by the Hon'ble High Court of Telangana in **Nitish Reddy vs. State of Telangana; 2021 SCC OnLine TS 1614**, wherein it was held that a Residents Welfare Association is eligible for registration under the Telangana Societies Registration Act, 2001, provided its objectives conform to the purposes enumerated under Section 3(1) of the said Act. Pursuant to the aforesaid judgment, the Commissioner and Inspector General of Registration and Stamps, Government of Telangana, issued Circular Memo No. 8815/Regn.II/2023 dated 21.08.2023 permitting the registration of Residents Welfare Associations under the Telangana Societies Registration Act, 2001, provided that their objectives are in consonance with Section 3(1) of the Act. Greenwood Heights Welfare Association was registered strictly in accordance with the prevailing legal framework subsequent to the

The block contains a handwritten signature in black ink and a blue circular official stamp. The stamp is from the 'Kurli' office in 'Hyderabad' and is signed by the 'Secretary'. The text 'NEHTA & MODI REALTIES' is visible around the perimeter of the stamp.

Circular Memo No. 8815/Regn.II/2023 dated 21.08.2023 and its objectives, as stated in its Memorandum of Association, align with the requirements of the Act, including the promotion of cultural, social, and literary activities. It is most humbly submitted that the validity of Circular Memo dated 21.08.2023 is sub-judice with the Hon'ble High Court of Telangana and in such circumstances, an order dissolving the Society cannot be passed. SCC.

10. Without prejudice to the above, it is submitted that the dissolution of the Greenwood Heights Welfare Association will create a vacuum in the day-to-day governance, management and upkeep of the Greenwood Heights Project exposing the residents to severe inconvenience, mismanagement, and deterioration of common facilities.
11. It is submitted that the balance of convenience lies in favour of the Petitioner. If the interim stay is not granted, the Petitioner will suffer irreparable hardship which cannot be compensated in terms of money. On the contrary, no prejudice will be caused to the Respondents if the execution of the Impugned Order is stayed, as their rights and interests are sufficiently safeguarded by the statutory framework and the pendency of the Appeal.

PRAYER

In view of the aforementioned circumstances it is just and necessary that, pending disposal of the Appeal, this Hon'ble Appellate Tribunal may be pleased to stay the execution of the Impugned Order passed by the Hon'ble Tribunal in Complaint No. 157 of 2024 and pass such other order or orders as it may deem fit in the facts and circumstances of the case.

Hence verified on this the day of August, 2025

Sworn and Signed before me

On this the ____ day of August, 2025



DEPONENT

**IN THE HON'BLE TELANGANA REAL ESTATE APPELLATE TRIBUNAL AT
HYDERABAD**

**I.A NO. _____ OF 2025
IN
APPEAL NO. _____ OF 2025**

AGAINST

COMPLAINT NO. 157 OF 2024

BETWEEN

M/s MEHTA & MODI REALTY KOWKUR LLP

Rep by its designated partner Sri Anand S. Mehta
Office at No.5-4-187/3&4, II floor,
Soham Mansion, M.G. Road,
Secunderabad – 500003

APPELLANT/RESPONDENTS

AND

1. MRS. DEEPA SURAJ PREMI

R/o B-512, Greenwood Heights,
Histop Road, Near ARK Majestic
Kowkur, Bolarum
Medchal-Malkajgiri - 500010

2. SRI SURAJ PREMI

R/o B-512, Greenwood Heights,
Histop Road, Near ARK Majestic
Kowkur, Bolarum
Medchal-Malkajgiri - 500010

RESPONDENTS/COMPLAINANTS

**PETITION FILED UNDER SECTION 44 OF THE REAL ESTATE
(REGULATION AND DEVELOPMENT) ACT, 2016 SEEKING INTERIM
STAY OF THE IMPUGNED ORDER DATED 23.06.2023**

For the reasons stated in the accompanying affidavit it is prayed that pending disposal of the Appeal, this Hon'ble Appellate Tribunal may be pleased to stay the execution of the Impugned Order passed by the Hon'ble Tribunal in Complaint No. 157 of 2024 and pass such other order or orders as it may deem fit in the facts and circumstances of the case.

Counsel for the Petitioner

Place: HYDERABAD

Date: __.08.2025

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Complaint No. 157 of 2024

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44 OF THE REAL ESTATE
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23.06.2023**

Filed on:

Filed by:

**Duvva Pavan Kumar
Shraddha Gupta
G. Nikhita Hari
Shrijita Gaddam
Advocates**

Address for Service:

The Law Chambers, Suite 4A,
A Block, 4th floor, Silver Cloud,
Raidurg, Hyderabad, Telangana
500081

Ph no: 9885885705

Email id:

shraddha@thelawchambers.in

COUNSEL FOR THE APPELLANT