

THE ANDHRA PRADESH REAL ESTATE REGULATORY AUTHORITY

AT: VIJAYAWADA

On this 7th day of July, 2025.

Corum: Sri E.Rajasekhara Reddy, Hon'ble Member,
Sri. U.S.L.N.Kameswara Rao, Hon'ble Member,
Sri. A.Jagannadha Rao, Hon'ble Member.

Complaint No:77/2023

Between:

Kesava Chari Kadiyam,
S/o. Tata Chari Kadiyam,
D.No. 22-13, Swanthantra Nagar,
Madhurawada, Visakhapatnam 530048.

...Complainant

And

1. Bathini Greenlands & Infra Projects Pvt. Ltd.,
Rep., by its Manager Director Sri Bathini Venkateswara Rao,
Registered Office: D.No.9-7-52, Aurandalpeta,
Beside Bhramarambha School, Narasaraopet-522601,
Guntur District, Andhra Pradesh.
2. Bathini Greenlands & Infra Projects Pvt. Ltd.,
Rep., by its Manager Director Sri Bathini Venkateswara Rao,
Branch Office: House No.55-12-21, MMTC Colony,
Beside HDFC Bank Lane, Seethammadhara,
Visakhapatnam-530013.
3. Sri Bathini Venkateswara Rao,
S/o Lakshmi Narayana,
Manager Director of Bathini Greenlands & Infra Projects Pvt. Ltd.,
House No.55-12-21, MMTC Colony,
Beside HDFC Bank Lane,
Seethammadhara, Visakhapatnam-530013.
4. M/s Mythri Homes,
Registered Partnership Firm Rep., by its Executive Partner,
Smt. Tella Srilakshmi, Having its office at D.No.50-117-17,
Beside SBI, ASR Nagar, Seethammadhara,
Visakhapatnam-530013.

...Respondents

A. K. V. S. Rao S. J.



ORDER

This complaint is filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "*the Act*"), alleging that the Respondents, being promoters of the real estate project, have failed to fulfill their obligations.

The case of the complainant is that he purchased Plot No. 324, admeasuring 90 Sq. Yards, in the approved layout "Amrutha Grand (Phase-I)," covered under VUDA L.P. No. 75/2016 situated at Bheemali Revenue Village, Bheemali Gram Panchayat, Vizianagaram District. The said layout is registered under AP RERA Registration No. P02320070108 and developed by Respondents 1 to 3. The sale deed was executed and registered on 30-11-2021 (Doc No. 6828/2021, SRO Kothavalasa).

Respondents 1 to 3 failure to provide basic amenities such as three-phase electricity, street lights, and a common water tank, allegedly promised at the time of purchase. The complainant contends that such deficiency has caused hardship, mental agony, and financial loss during house construction.

Respondents 1 to 3 filed a counter, denying the allegations. They assert that all promised amenities, except street lights and some recreational courts, have been substantially completed, no specific promise was made to provide three-phase electricity or a common water tank, it is the individual responsibility of the plot owners to apply for electricity connections through the DISCOM and borewells have been installed for common use, and water pipelines have been provided up to each plot.



The Authority observes that as per the provisions of Section 11(3) and Section 11(4) of the Real Estate (Regulation and Development) Act, 2016, a promoter is required to complete all obligations as per the approved plan, brochure, or advertisement and hand over the possession of the property along with common amenities to the allottee.

In the present case, while some amenities such as roads, parks, and pipeline works are stated to have been completed, the lack of functional street lighting and the partial absence of recreational facilities constitutes partial non-compliance with the above statutory obligations.

However, the specific issue raised by the complainant regarding three-phase electrical connection and common overhead water tank is not supported by any documented proof (brochure, agreement, or marketing material) suggesting that such amenities were assured or are part of the sanctioned layout obligations. Therefore, the demand for three-phase connection, while reasonable for functional purposes, cannot be enforced through this Authority in the absence of corresponding promoter obligation under the Act.

The complainant retains the liberty to apply directly to the concerned DISCOM and Panchayat for household electricity and water connections, which are to be processed as per the individual entitlements.

As far as the relief claimed by the complainant for payment of compensation is concerned, the appropriate forum for such relief is the Adjudicating Officer. If the parties so desire, they may file a claim petition before the appropriate forum for compensation.



In exercise of the powers conferred under Section 37 of the Real Estate (Regulation and Development) Act, 2016, this Authority issues the following directions:

- i. The Respondents 1 to 3 are directed to complete the pending infrastructure works, particularly the street lighting and recreational amenities, in accordance with the sanctioned plan and commitments made in brochures or advertisements, within 60 days from the date of this Order.
- ii. The claim relating to three-phase electricity connection and water tank is not enforceable through this Authority, in the absence of any statutory or contractual obligation on the part of the promoter. The complainant is at liberty to seek such facilities directly from the competent departments.
- iii. No costs.

*As per Section 44 of the Act, an appeal against this order lies before the Real Estate Appellate Tribunal, Andhra Pradesh, within a period of sixty (60) days from the date of receipt of this order.

(Typed as per the dictation of the Authority, corrected and pronounced in open court on this 7th day of July, 2025.)


MEMBER


MEMBER


MEMBER

