

**GOVERNMENT OF TELANGANA
TELANGANA REAL ESTATE REGULATORY AUTHORITY**

CIRCULAR

Circular No. 737/TG RERA/2025

Date:04.05.2025

The Telangana Real Estate Regulatory Authority (hereinafter “the Authority”), in discharge of its mandate under the Real Estate (Regulation and Development) Act, 2016 (hereinafter “RE(R&D) Act”), is committed to ensuring that adjudicatory processes before it adhere to the fundamental principles of natural justice. It is imperative that no party is denied an opportunity of hearing due to procedural contingencies beyond their control.

2. It is in this context that the Authority deems it necessary to set out a structured framework to regulate the procedure for seeking recall of ex parte orders or for restoration of complaints dismissed for default.

3. The Hon’ble High Court of Judicature at Allahabad, in *T.G.B. Realty Pvt. Ltd. v. State of Uttar Pradesh & Ors.* (W.P. No. 3230 of 2019, decided on 17.10.2019), has affirmed that the power to recall ex parte orders constitutes procedural review, which is distinct from substantive review. The Hon’ble High Court observed that “*It is well recognized that every court/tribunal has inherent power of procedural review and the same cannot be denied to the petitioner merely for the reasons that there is no provision to that effect in the Act/Statute.*”

4. The Authority also draws strength from the provisions of Section 38(2) of the RE(R&D) Act, which empowers it to regulate its own procedure, subject to principles of natural justice and the framework of the RE(R&D) Act and the rules made thereunder.

5. In light of the above, and in exercise of the powers conferred under Sections 37 and 38(2) of the Real Estate (Regulation and Development) Act, 2016, read with Regulation 28(3) of the Telangana Real Estate Regulatory Authority (General) Regulations, 2023, the Authority hereby lays down the following directions to govern the process of recalling ex parte orders and restoring complaints dismissed for default:

- a. Any party to a complaint proceeding in which an *ex parte* order has been passed by the Authority or the Adjudicating Officer, or any complainant whose complaint has been

dismissed for default due to non-appearance or non-prosecution, may seek appropriate relief by filing an application for recall or restoration.

For the purposes of this Circular:

- i. *Ex parte order* shall mean an order passed in the absence of any party to the complaint on the scheduled date of hearing.
 - ii. *Dismissal for default* refers on account of non-appearance or failure to prosecute by the complainant.
 - b. An application for setting aside of ex parte order or for restoration of complaint shall be submitted on payment of standard fee of Rs. 5000/- (Rupees Five Thousand only) in each case, payable through demand draft in favour of “TG RERA Funds”, payable at Hyderabad, or through online transfer to Account No. 50100595798191, HDFC Bank, IFSC Code: HDFC0007036.
 - c. Upon receipt of the application, notice shall be issued to the opposite party, before allowing the application.
 - d. The applicant shall satisfy the Authority that:
 - i. The notice of hearing was not duly served; or
 - ii. The applicant had no knowledge of the date of hearing; or
 - iii. The applicant was prevented by sufficient cause from appearing on the scheduled date.
- While the Authority may take judicial notice of events of force majeure such as the COVID-19 pandemic, each application will otherwise be subjected upon judicial scrutiny based on sufficient cause.
- e. No application shall be entertained in respect of any order against which an appeal has already been preferred under the RE(R&D) Act.
6. This Circular shall come into operation with immediate effect.

(By Order of the Authority)

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Secretary/TG RERA