

BEFORE TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY
[Under the Real Estate (Regulation and Development) Act, 2016]

COMPLAINT NO.474 OF 2022

14th Day of March, 2024

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

1. Sri Pradeep Kumar Reddy
2. Meghanath Goud Soma
3. Vikas Palavadi ...Complainants

Versus

M/s Redwood Constructions
Represented by its Managing Partners
Sri B. Shashidhar Reddy &
Sri B. Sridhar Reddy ...Respondent

The present matter filed by the Complainants herein came up for hearing on 14.09.2023, 05.10.2023, 07.11.2023 and 19.12.2023 before this Authority in the presence of Complainants in person and none appeared for the Respondent and upon hearing the arguments, this Authority passes the following **ORDER:**

2. The present Complaint has been filed by the Complainants 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”) requesting appropriate action against the Respondent Builder.

A. Brief facts on behalf of the Complainants:

3. The Complainants submit that they have purchased Flat Nos.503, 301 and 401 in the Project titled “PMR Heights” which is developed by the Respondent. The Complainants have filed their respective sale deeds being Document Nos.1622/2021, 5511/2020 and 5602/2020 to substantiate their claim. They submitted that the said Project is registered with TS RERA vide Regn. No. P02400001008 which expired on 31.03.2021 and that the construction of the said Project is not in a good condition as mentioned below:

Common Issues:

- i. Lift: - Lift was installed on 01.11.2021 and within 7 months, the Complainants have faced a major accident in which four members were injured. That after checking with the technician, it was observed that the lift is not of standard quality as opposed to the brochure. That the Respondent Builder agreed to replace the lift, however failed to do so.
- ii. Water: - Till date, the Complainants did not receive GHMC Drinking Water. Despite bringing this issue with the Respondent Builder, there is no response from him. Complainants also submitted that till date, water tanks not constructed properly in the Apartment. The Complainants are purchasing water from outside water plants. That the Municipal Water connection provided by the Respondent Builder is not sufficient for the Complainants as the Respondent Builder has taken on 3/4th inch water pipe connection from GHMC.
- iii. Apartment Safety grills: Till date safety grills are not affixed in the Apartment.
- iv. Duct Area: - Till date duct area is not closed.
- v. Intercom Facility: - Intercom telephone facility has not been provided in the Apartment. As soon as possible it needs to be ready.

Flat wise issues:

Flat No: 503:

- vi. Kitchen sink broken within 6 months.
- vii. The quality of the toilet doors is very poor.
- viii. Within 9 months walls are getting cracks in and outside.

Flat No: 301

- ix. Floor tiles are broken due to the improper grouting at the installation time, sometimes tiles are shaking while walking on the floor.
- x. Water is staying in the Master Bedroom Bathroom due to the slope issue.
- xi. Within 3 months wall in Common Bathroom is damped due to the drainage pipe issue in the above flat.
- xii. Window safety grill not yet installed in the master bedroom.
- xiii. As per the brochure, teak wood door frames have to be installed. However, door frames are not of teak wood and all are getting cracked.
- xiv. Door frames painting (Second coat pending) not done properly.
- xv. Bathroom Ventilator Window gaps need to be closed with the silicon.
- xvi. Walls build quality was not good, while the first cote cement if gone, sand is falling if touched finger on the wall.
- xvii. Common area Lighting: In the corridor, there is no common bulb point fixed.
- xviii. Rainwater getting into flat due to the improper coverage in the corridor.
- xix. Main door polish not done till date.
- xx. Either Builder or landowner has to pay the property tax at the construction time, still it is pending.

Flat No: 401

- xxi. Manjeera water supply.
- xxii. Tiles Broken.
- xxiii. Walls had cracks in all the rooms.
- xxiv. The flat has not been handed over and the Respondent is asking to pay the property tax from our end from the year 2019.

4. Accordingly, the Complainants sought for the following reliefs:

Common Issues:

- i. Need to replace existing lift with a standard Lift.
- ii. Municipal water connection pipe size must be increased from 3 / 4th inch size to 1 inch size and the water tanks has to be provided without leakages.
- iii. Apartment Safety grills to be installed.
- iv. Duct area to be closed.
- v. Intercom Facility to be provided.

Flat No: 503: -

- vi. Builder must replace the kitchen sink.
- vii. Replace the toilet doors.
- viii. Wall cracks must be closed.

Flat No: 301

- ix. Broken tiles to be replaced and grouting to be done in the entire flat.
- x. Master Bedroom Bathroom floor tiles need to be replaced as per the water flow.
- xi. Common Bathroom wall dampness to be fixed.
- xii. Window grill need to be installed at Master bedroom.
- xiii. All door frames got cracked. Need to replace.
- xiv. Need to paint all the door frames.
- xv. Bathroom Ventilator Windows gaps need to be closed with the silicon gum.
- xvi. Common bulb point need to fix Infront of the door in the corridor.
- xvii. Need to Polish the Main door.
- xviii. Either Builder or landowner must pay the property tax at the time of construction.

Flat No: 401

- xix. Manjeera water supply to be given.
- xx. Need to replace broken tiles
- xxi. Cracks need to be closed with the crack filling.
- xxii. Property tax has to be paid by the Landlord or else the Builder.

B. Observations and Directions of the Authority:

5. Respondents have appeared after issuance of notice, but failed to file counter or represent/plead their case. As such, the Respondents have been set *ex-parte* on 07.11.2023.

6. It is observed that the Project is registered with this Authority vide Regn. No. P02400001008 with completion date on 31.03.2021. On 19.12.2023, the Complainants were present and reiterated the contents of the Complaint and submitted that the Respondent has completed some works such as closing duct area, municipal water connection and safety grills provided. They submitted that remaining issues are still pending, amongst which lift is a major issue causing severe inconvenience to the residents. Further, the association had not yet been formed.

7. Admittedly, the Complainants, as per their respective Sale Deeds have occupied the flats in December 2020. As per Section 14(3), which stipulates that *“In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.* Such period, in the present case, expires by December 2025, and thereby, considering the facts and circumstances, following directions are issued to the Respondent:

- a. As the Complainants have submitted that lift was installed on 01.11.2021 and within 7 months, the Complainants have faced a major accident in which four members were injured, the Respondent is directed to install lift of standard company within 60 days;
- b. Quantity of water should suffice the occupancy of the Building as per the standards i.e., 150 litres per person and it should be calculated accordingly. In case, the quantity supplied is insufficient, the Respondent is directed to apply for a required connection. Similarly, if the capacity of the overhead tank/sump is insufficient, the Respondent is directed to provide supplementary tank.
- c. With respect to Flat No.401, after execution of the sale deed, the purchaser has to approach the GHMC for assessment of property tax and the same has to be paid by the respective flat owner only.
8. In lieu of the above-mentioned directions, the present complaint stands disposed of. Upon the failure of the Respondent Builder to comply with the present Order, appropriate action, including imposition of penalty, will be taken as per provisions under Section 63 of the Act, 2016.
9. 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 Telangana 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) as per Section 44 of the Act, 2016.

Sd/-
Sri K. Srinivasa Rao,
Hon'ble Member,
TS RERA

Sd/-
Sri Laxmi Narayana Jannu,
Hon'ble Member,
TS RERA

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