

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

**COMPLAINT NO.69 OF 2024**

**23<sup>rd</sup> Day of August 2024**

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

Sri Adabala Sheshagiri Rao

...Complainant

Versus

M/s K. Raheja Corp Real Estate Pvt. Ltd.  
Through its Managing Director

...Respondent

The present matter filed by the Complainant herein came up for hearing on 18.06.2024 and 09.07.2024 before this Authority in the presence of Complainant in person and Counsel for the Respondent, Sri Chakravarthy Gudla and upon hearing the arguments, this Authority passes the following **ORDER:**

2. 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") seeking appropriate relief against the Respondent.

**Brief facts of the case:**

3. The Complainant submitted that the Respondent has laid faulty speed breakers, not conforming to the recommendations of the Indian Road Society. The

Respondent has provided dismal greenery to the project, with inferior, unmanicured and substandard soil for developing the greenery for D, E and F blocks. In this connection, the Complainant also submitted the policy of the Indian Roads Congress for laying of speed breakers which states that a speed breaker is defined as a hump surface across the roadway having a rounded shape with width greater than the wheelbase of most of the vehicles using the road. When there is decrease variation in sensory stimuli and at locations where speed controls are desired, a speed breaker acts as a strong stimulus to arouse reaction in the brain.

4. It was also submitted that an ideally designed hump should satisfy the following requirements:

- i. There should be no damage to vehicles nor excessive discomfort to the drivers and passengers when passing at the preferred crossing speed.
- ii. The hump should not give rise to excessive noise or cause harmful vibrations to the adjoining buildings or affect the other residents of the area.
- iii. Above the design speed, a driver should suffer increasing level of discomfort (but without losing directional control and without any vehicle damage) depending on the extent through which design speed is exceeded
- iv. Speed breakers are formed basically by providing a rounded (of 17-meter radius) hump of 3.7-meter width and 0.10-meter height for the preferred advisory crossing speed of 25 km/h for general traffic.
- v. Proper sign boards and markings are required to be provided at such locations. Drivers should be warned of the presence of speed breakers as detailed in IRC:67-1977, Code of Practice for Road Signs.
- vi. Rumble strips are not recommended by IRC. Similarly, readymade synthetic rumble strips available in market are also not to be provided, as they wear off quickly within a period of 6 months.

vii. Speed breakers should be constructed by Bitumen, which has longer life and allows smoother landing of the vehicles.

5. The Complainant submitted that the speed breakers constructed in “Raheja Vistas” comply with none of the above specifications and the users are suffering from wear and tear in muscles, bones and nerves due to ill designed speed breakers constructed in the community. The users are experiencing heavy strain of traversing on the ill designed and poorly constructed speed breakers.

6. Therefore, it was prayed to direct the Respondent to relay the speed breakers as per the norms prescribed and provide the promised greenery by rejuvenating the soil and or providing superior quality of soil for the greenery to flourish and blossom to mitigate the misery of the purchasers of the property in the community. Further, to direct the Respondent to appoint a professional security agency to protect the interest of the residents.

**Reply on behalf of the Respondent:**

7. It was submitted that the complaint is not maintainable either in law or on facts. That the reliefs sought by the Complainant have no locus standi because the Complainant is governed by the registered society in which the Complainant is also one of the members. The grievance alleged by the Complainant does not pertain to his apartment per se, but is common in nature, in which case society is the authority for resolving the issues, if any of the Complainant.

8. It was submitted that the Complainant is living in a society comprising of 900 apartments. About 600 families have been living in the society for more than 5 years

and there have been no issues whatsoever pertaining to the internal roads and driveways, much less as alleged by the Complainant.

9. It was submitted that the Complainant is residing in Tower F-101 which has been handed over to the society and the said society is maintaining the common areas pertaining to Towers- D,E & F. Likewise there 6 towers which has been handed over to the society are being maintained by the respective societies.

10. With regard to issue with speed breakers, it was submitted that,

- a. The present subject hump provided at site is not a speed breaker but a concrete hump provided as additional safety at the ramp area to minimize the risk of water ingress though the ramps during heavy rains.
- b. The speed breaker dimensions are designed as per the design speeds of the road driveways of the highways, which is not the case with respect to this property. Hence these internal driveways with very limited speed and lengths will not be referred to the Indian Roads Congress ("IRC") designs. IRC designs are applicable for highways, public roads etc.
- c. The National Building Code ("NBC") governs the residential development and the NBC specifies that for vehicular screening within the residential development, bumps may be provided

11. It was submitted that the Complainant has alleged that the builder has not provided signboards, but the same are clearly provided and the Respondent annexed photos of the sign board to substantiate its claim.

12. The Respondent submits that the Complainant alleged that there is lack of adequate greenery in the property. In this regard, the Respondent submitted that the

property is handed over to the society and that the Respondent had completed the landscape with adequate greenery but the landscape area is being used by few residents for playing volleyball and cricket and also due to lack of maintenance by the society the greenery has faded. That the society is the custodian of common areas within Towers D,E & F, as such the Complainant ought to work with the society towards the adequate maintenance of the greenery. In lieu of the above-mentioned reasons, the Respondent prayed to dismiss the present complaint.

**Rejoinder on behalf of the Complainant:**

13. Vide Rejoinder, the Complainant submitted that he purchased the flat bearing number 101 in F Block of Raheja Vistas constructed by the respondent company in August 2022 and started living in the community since December 2022. That as a concerned and suffering resident of the community, the Complainant filed the complaint regarding speed breakers, which are not in accordance with the recommendations of the Indian Road Congress (IRC).

14. That the speed breakers which are causing great discomfort are laid on the common areas of the total complex and do not come under the purview of The Raheja Vistas D, E and F Owners Cooperative Maintenance Society Ltd. At present the common areas and other amenities of the whole community are managed and maintained by the builder themselves. The Raheja Vistas D, E and F Owners Cooperative Maintenance Society Ltd., manages and maintains the affairs of D, E and F Blocks only.

15. That as a resident of the community, the Complainant is privy to the agony of the other residents who have been experiencing great discomfort traversing the speed breakers. That the residents have been raising these complaints with their respective

societies who in turn have been taking up with the builder but in vain. He reiterated that the speed breakers are ill designed and placed at awkward angles, at turn abouts within the compound and are of concrete, against the guidelines issued by Indian Road Congress vide IRC 99-2018.

16. It was submitted that the builder has not provided the sign boards alerting the public of the imminent speed breakers ahead. The Respondent mentioned the presence of sign boards which are only directions to various places but not to alert the users of presence of speed breakers.

17. It was further submitted that the lack of greenery mentioned in the complaint is in areas under the maintenance and management of the builder as this area is common to ABC blocks, DEF Blocks and GHI Blocks in future and not under the maintenance of DEF society. Hence, the builder is under the obligation to maintain the landscape and the park as per the sales brochure.

18. He accordingly prayed to grant reliefs as prayed for.

**Observations and Directions of the Authority:**

19. This Authority has considered the material on record and heard the contentions of both the parties. The matter at hand concerns issues that are under the jurisdiction of the association rather than individual members. The internal driveways referenced are limited in speed and length and may not adhere to the specifications set forth in the IRC designs, which are typically applicable to highways or public roads.

20. Regarding the other issues raised such as greenery and such as greenery, providing superior quality of soil and appointing a professional security agency to protect, the Respondent has submitted that property is handed over to the society and that the Respondent had completed the landscape with adequate greenery. It was submitted that the Society is the custodian of common areas within Towers D, E & F. Therefore, the Complainant is directed to bring these matters before the Society for taking further action if anything is required by the association.

21. In light of the above, the Complaint is disposed of. No order as to costs.

22. If aggrieved by this Order, the parties may approach the Telangana Real Estate Appellate Tribunal in accordance with 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**