

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

COMPLAINT NO.232 OF 2021

17th Day of October, 2023

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

Flat Owners Palm Cove Apartments ...Complainant

Versus

M/s Tricolour Properties Pvt. Ltd. ...Respondent

The present matter, bearing Complaint No. 232 of 2021, was heard before this Authority in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 and Telangana Real Estate (Regulation and Development) Rules, 2017, on 02nd August 2023 and 04th October 2023. The hearing was conducted in the presence of Complainant's representatives, Major Singh and Sai Kumar, as well as Mr. Sharath Babu, the Director of the Company, who appeared on behalf of the Respondent.

2. Upon careful consideration of the arguments presented by both parties, this Authority hereby issues the following **ORDER**:

A. Facts of the Case

3. The Complainant, representing the Flat Owners of Palm Cove Apartments, has brought forth a grievance against M/s Tricolour Properties Pvt. Ltd. (the Builder) regarding project completion delays and the

dissemination of false information to buyers. The key concerns are as follows:

- i. The Builder indicated 17th May 2023 as the project's completion date on the RERA website. However, individual buyers were promised different completion dates, such as April 2019, which were not honoured.
- ii. Persistent water seepage issues in the -2 levels parking area have been reported since the commencement of construction, with multiple honeycombs observed in pillars and beams. Drainage water seepage has also been noted in the -1-level parking area, posing safety risks.
- iii. Promised amenities and facilities such as the amenities block, basketball court, badminton court, party lawn, Amphitheatre, and CCTV cameras were not provided as per the commitments made in the brochure.
- iv. The Builder deviated from the Sale Agreement format as per the RERA Act and executed Sales Agreements in different formats without clear details on the saleable area. The total carpet area of the flat did not match the area mentioned in the Sale Agreement/Sale Deed.

B. Relief Sought:

4. The Complainants seek the following reliefs:
 - i. Appropriate financial compensation from the Builder for the delay in completing the project and failing to fulfil commitments, which have caused mental and financial stress to flat buyers.
 - ii. An investigation through the Commercial Tax department to ascertain the actual GST input tax credit the Complainants are entitled to, as the Builder levied 12% GST on the total cost of the flat and refunded only 30% of the GST as input tax credit, without providing clear details on the computation.
 - iii. Stringent action against the Builder for unethical and unfair trade practices, which have caused mental and financial stress to flat buyers.

C. Hearing and Directions:

5. This Authority summoned both parties for hearings on 02nd August 2023 and 04th October 2023. During the hearing, the Complainants reiterated their contentions raised in Form M. They informed the Authority that despite multiple requests to complete the pending work, the Respondent did not respond to any of their requests, leading to this complaint.
6. In response, the Respondent acknowledged the pending works and committed to ensuring their completion before the next scheduled hearing. The Respondent also raised concerns about the Complainant's failure to pay maintenance since taking possession of the units for over two years. As a result, certain amenities had not been handed over.
7. Both parties expressed a desire to amicably settle the dispute and requested time to do so. Consequently, the Bench directed the Complainants to form an association and to take over the maintenance of the unit. The Respondent was instructed to complete all necessary pending work, as per the Complainants' Form M, and to hand over all amenities to the Complainant. Both parties were granted a four-week period to work towards an amicable resolution.
8. At the subsequent hearing, the Respondent appeared in person, and the authorized representative of the Complainant virtually, Sri Sai Kumar, informed the Bench that the dispute had been amicably settled. All pending work had been completed by the Respondent, and all amenities had been handed over to the Complainant.
9. Based on the above discussions and the amicable settlement reached by the parties, this Authority hereby disposes of the present complaint.

10. 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) within 60 days from the date of receipt of this Order.

11. **Complaint stands disposed of.**

Sd/-

**Sri. K. Srinivas Rao, Hon'ble Member
TS RERA**



Sd/-

**Sri. Laxmi NaryanaJannu, Hon'ble Member
TS RERA**

Sd/-

**Dr.N.Satyanarayana, IAS (Rtd), Hon'ble Chairperson
TS RERA**