

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

COMPLAINT NO.649 OF 2023

07th Day of February, 2024

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

Sri. P. Raghavender

...Complainant

Versus

M/s DNR Constructions
Represented by its Managing Director

...Respondents

The present matter filed by the Complainant herein came up for hearing on 18.10.2023, 14.11.2023, 19.12.2023 and 09.01.2024, before this Authority in the presence of the Complainant in person and Authorized Representative of Respondent Company, and upon hearing the arguments of both the parties, this Authority passes the following **ORDER:**

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & Development) Act, 2016 read with Rule (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.

A. Brief facts on behalf of the Complainant:

3. The Complainant submitted that he purchased a flat in Ashoka Residency, Ameenpur in 2021. That the Respondent Builder provided his parking lot through

lottery system and he obtained parking No.15. He submits that parking is congested and despite requesting the Respondent Builder for appropriate action, no action is being taken by him.

4. The Complainant also submitted that the Respondent Builder submitted for only 9 (nine) parking slots on the RERA website as per the sanctioned plan, however the Respondent Builder has provided 15 (fifteen) parking slots which is making the parking area congested. Accordingly, he prayed to take appropriate action against the Respondent Builder.

B. Reply on behalf of the Respondent:

5. The Respondent Builder, vide Reply dated 15.11.2023 submitted that the Respondent constructed building named as Ashoka Residency in Shilpa Colony, Ameenpur, Sangareddy Dist., bearing RERA Regn. No. P01100002789. That the building permission was obtained from Ameenpur Municipality, Sangareddy Dist. On 13.01.2021 with Stilt + 5 Upper floors with net parking area of 263.30 Sq. Mts. in stilt floor including drive areas and parking slots. Total 15 flats were constructed in the said apartment and allotted 15 car parking with 80 Sq. Feet for each flat after leaving drive areas in stilt floor and same is mentioned in their respective Sale Deeds.

6. The Respondent submitted that he proposed 9 parking slots in RERA application in the beginning, so that they can plan drive areas and allocate 15 car parking slots after improvement of working plan and providing about 80 sft to each flat owner as car parking area in stilt floor. That the Respondent provided car parking area to the Vendee, P. Raghavender for Flat No. 402 with area about 80 sft

in stilt floor and same things is clearly mentioned in the Agreement of Sale and Registered Sale Deed Document No. 28085/2021.

7. He further submitted that with reference to the point no. 14 in the registered sale deed document, the Complainant has verified all documents, plans at the time of registration and accepted the same. He added that the permission proceedings or permission drawings or plans issued by Ameenpur Municipality does not mention number of parking slots as 9, however only net parking area in stilt floor as 263.30 sq. mts in permission drawings. Therefore, the Respondent Builder distributed car parking areas to all 15 customers or units and allotted car parking areas by lottery and the allottees have accepted the same.

8. The Respondent Builder submitted that they had given all the documents to the Complainant while buying the flat and he duly verified all documents and taken housing loan from the HDFC Ltd and there are no issues at that time. The Respondent. Builder also obtained Occupancy Certificate on 13.04.2022 from Ameenpur Municipality and handed over the flats to all customers immediately. As the Complainant got the car parking slot by lottery as accepted and felt that others got better slots, he started creating unnecessary issues with the Respondent.

9. Accordingly, he prayed that as the Respondent has registered the flat and delivered the same as committed and allotted the car parking area as mentioned in the registered sale deed as per accepted terms and conditions in the agreement and sale deed, the present Complaint be dismissed.

C. Observations and directions of the Authority

10. It is observed that, as per the sanctioned permission obtained by the Respondent Builder, the parking area is 263.26 sq mts. Further, there is no

specific number of car parking in the sanctioned plan barring the area as mentioned. Admittedly, the Ameenpur Municipality has accorded Occupancy Certificate to the Project on 13.04.2022 This establishes that the competent authority has scrupulously inspected the Project premises and accordingly certified the same to be fit for occupation which in turn signifies that the sanction has been followed in *stricto sensu*. It is also pertinent to note herein that the description of the Building in the Occupancy Certificate issued by competent authority is as per the sanction plan including the parking area i.e., 263.26 sq mts.

11. This Authority has considered the facts and circumstances and hereby brings to the notice of the Complainant that the Authority has registered the Project as per the sanctioned plan & proceedings given by the competent authority and since the Occupancy Certificate is issued to the Project, it is presumed that the said conditions have been inspected carefully and followed in accordance with the Sanction Plan and therefore the parking is deemed to be satisfied.

12. In this regard, it is also pertinent to mention that Clause 15 of the G.O.Ms No.168 dated 07.04.2012 under sub-clause (a)(iv) particularly states that “*the parking requirements shall comply as given in these rules. The parking facilities and vehicles driveways etc. shall be maintained to the satisfaction of the Sanctioning Authority.*” Hence, as the Sanctioning Authority has already certified the Building to be in consonance with the applicable rules and the sanctioned plan, therefore no violation of Section 14 arises on part of the Respondent Builder.

13. In lieu thereof, the present Complaint stands disposed of.

14. 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.

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