

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

COMPLAINT NO.449 OF 2021

27th Day of October, 2023

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

Live In Exotica Apartment Flat Owners ...Complainant

Versus

M/s Live In Infracon ...Respondent

The present matter filed by the Complainant herein came up for hearing on 12.09.2023 and 10.10.2023 before this Authority in the presence of the Association President and other members of the Complainant Association, and Sri Kotla Sudhakar, Advocate along with Project Engineer, on behalf of the Respondent, and upon hearing the arguments of both the parties, 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") requesting appropriate action against the Respondent Builder.

A. Brief facts of the case:

3. The Complainant Association submitted that the following violations under the RE & RD Act, 2016 have been made by the Respondent Builder:

- a. That a dummy fire extinguisher in cellar is installed and is dysfunctional and was merely installed for inspection purposes before GHMC to obtain OC.
- b. Cellar water leakage issue on rainy session continues and that water is coming from underground. Further, that they are facing seepage water issue

even for mild rainfall and the same represents the poor construction quality of the building.

- c. They submitted that as per RERA issued documents our apartment premises should be filled with 84 trees/plants, which was missing. For inspection builder dump some temporary plants and taken away those dumps later.
- d. For total 35 flats, the Respondent Builder has provided single very small lift, which is making very much trouble on peak hours.
- e. There are no CC Cameras installed in each floor which are very much necessary for safety and security of the residents.
- f. There is only seven feet boundary wall which is very easy to get in to building where safety is missing.

4. Along with the said Complaint, the Complainant Association filed documents in support including sample sale deed dated 15.04.2021, a representation made by the Association to the Respondent to address the above-mentioned issues, TS RERA Registration Certificate of the Project registered vide Regn No.P02400000510, GHMC Building Permission dated 27.09.2017, etc. In lieu thereof, they prayed to take appropriate action against the Respondent Builder.

B. Sequence of events:

5. Accordingly, vide Notice dated 15.09.2021, served upon the Respondent, this Authority directed the Respondent to submit a reply in terms of Rule 34 (1) & (2) of the Rules, 2017 along with such other information with regard to the Project. Thereafter, on 08.10.2021, the Complainant Association submitted a letter stating that the Respondent Builder has started work with regards to the Fire Extinguisher and also submitted photos of the installation of the same.

6. Vide Reply dated 08.10.2021, the Respondent Builder submitted that fire extinguisher is original which is fitted in the cellar and it was best in industry and it has been connected to the overhead tank and also performed trial run. As regards portable fire extinguisher, the Respondent Builder is ready to fit wherever it necessary as per industry standard. With regard to leakage of seepage water in cellar, Respondent Builder already did the chemical treatment and installed 7.5 HP AND 5 HP motor pumps in cellar and the entire premises rain water drops into collection pit in the size of 8' x 10' depth and above said 2 motors will lift the

complete rain water directly into the sewerage system within 5 to 10 minutes. If necessary, the Respondent Builder is ready to do the job once again in near future.

7. With respect to greenery, the Respondent Builder has maintained the necessary greenery in the said premises, but the flat owners are reduced the greenery for their convenient to pass the vehicles in driveway and also disturbed the greenery in tot-lot area. He submits that the Respondent Builder is not responsible for the same. Further, as per municipal sanction plan the Respondent Builder has provided the lift provision, based on the brochure and as per working plan that the flat owners are purchased the said flats. Also, that the Respondent Builder provided sufficient CC Cameras by covering all areas in the apartment, except flat balconies not to disturb the privacy of ladies. He added that, flat owners admitted that the compound wall is seven feet height which are not easy to jump into the premises and entire premises are covered under the CCTV Surveillance hence, safety and security is taken care of.

8. Consequently, vide Rejoinder dated 09.12.2021, the Complainant Association submitted that none of the works, as submitted by the Respondent in its Reply, are satisfactory except the fire safety extinguisher. Therefore, they prayed for action be taken against the Respondent in this regard.

C. Hearing Conducted:

9. Therefore, hearing was conducted on 12.09.2023, wherein the Complainants appeared and reiterated the contents of their Complaint. The Respondents, upon notice did not appear. Matter was called on 10.10.2023, and despite having the knowledge of the matter being listed on 10.10.2023, the Complainant Association failed to appear. The Engineer of the Project on behalf of the Respondent Builder appeared and submitted that all works had been done and submitted photographs of the same being completed as per sanction plan.

D. Directions of the Authority:

10. As the Respondent has completed the works as sought for by the Complainant Association, nothing remains for adjudication by this Authority. However, should any structural defects arise, the Respondent Builder is obligated to address them promptly and ensure their timely resolution. The matter is disposed of accordingly.

11. 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

