

consisting of 105 residential flats. They sold 98 out of the 105 flats and obtained an Occupancy Certificate.

5. The complainants claim that there are multiple construction defects, including expansion joint leakages, slab and beam leakages in the cellar, water seepage issues, and cracks in the building's structure.

6. They have also alleged mismanagement of the complex's finances, including corpus fund collections, maintenance fees, and unauthorized sale of parking slots.

7. The complainants have provided photographs of the mentioned defects and allege that they have suffered financial losses and mental distress due to the builder's lack of response and the defects not being rectified.

B. Relief(s) sought:

8. To direct the Respondent to rectify the defects and take any other appropriate action as the Authority deems fit.

C. Respondent Reply:

9. In response to the complaint, M/s Rudra Constructions provided the following explanations and actions taken:

- a. The builder acknowledges receipt of the complaint and states that they have addressed the issues raised by the complainants, including fixing groove cuttings, sealing gaps, and rectifying leakage from the expansion joint.
- b. They claim to have pressure grouted and sealed the cracks and allotted parking slots to the flat owners, which are labeled and marked with their respective flat numbers.
- c. For the issue of waterlogging on the terrace, they have cut channels to prevent water accumulation.
- d. The builder provided photographs of the work completed as evidence that they have addressed the complainants' concerns.

D. Hearing Conducted:

10. The hearings were conducted, wherein both parties appeared. During the hearing, the complainants reiterated the contents submitted in the complaint. The Respondent submitted that they are willing to rectify the defects mentioned by the complainants. Further, the Authority also directed the Respondent to enable the formation of an association of owners concerned and hand over the common areas to the association of owners along with physical possession of common areas, and the Corpus fund shall also be transferred after the formation of the association. The Respondent sought 30 days to rectify all the defects stated in the complaint. Accordingly, time was given to the Respondent.

11. On the next date of hearing, 10.01.2024, the Respondent sought an additional time of 2 weeks to finish the works. On 31.01.2024, the Complainant's association submitted to the Authority that the status of works and developments have been completed by the Respondent. The same has been submitted to the Authority in a written letter dated 31.01.2024, stating the following:

- a. The expansion joint repair works have been carried out by the builder, but the problem still persists. However, the builder agreed to rectify the same after finding the leakage point in the next downpour in the monsoon.
- b. The repair works are undertaken by the builder. However, the effectiveness of the work cannot be guaranteed until they test it under rainy conditions. And the builder agreed to rectify the same if the problems still persist.
- c. Cracks in the cellar ceilings, cellar beams, floors: These have been pressure grouted and sealed by the builder.
- d. The builder has started leveling works of the lawn area, and work is in progress.
- e. The builder and all the flat owners have successfully conducted the elections for the office bearers on 26.01.2024. The newly elected members will take charge of their respective roles and responsibilities

effective from 01.08.2024. The builder is yet to transfer the corpus fund with accrued interest to the association account. The transfer will be done after getting a detailed explanation from the builder regarding the total amount of corpus fund collected and interest accrued thereon.

- f. The association expresses dissatisfaction with the fact that the visitor parking slots are not yet finalized by the builder. They have raised this issue several times with the builder, but have not received any satisfactory response or resolution. Hence, they request intervention in this matter and ensure that the builder finalizes the visitor parking slots as soon as possible.

E. Observations and Directions by the Authority:

12. It has been observed, through the aforementioned letter dated 31.01.2024 submitted by the Complainants, that the Respondent has rectified all the issues raised by the complainants in their original complaint. However, according to the Complainants, the Respondent has failed to demarcate the visiting parking area. Hence, the Respondent is hereby directed to demarcate the area, and in the event of failure to do so by the Respondent by 20th April 2024, the office bearers of the newly elected association body will be responsible for the demarcation of visitor parking.

13. In the 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) as per section 44 of the RE(R&D) Act, 2016.

Sd/-

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

Sd/-

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

Sd/-

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