

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

COMPLAINT NO.338 OF 2023

14th Day of November, 2023

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

Royal Park Residents

...Complainant

Versus

M/s Vasavi Builders rep by P. Mastan Reddy and B. Nageshwar Rao

...Respondent

The present matter heard before this Authority on 10.10.2023 before this Authority in the presence of Complainants present in person and none appeared on behalf of the Respondent and upon hearing the arguments of the party, 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 "RERD Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") seeking directions from this Authority to take action against the Respondent.

A. Facts of the case as stated in the complaint filed by the Complainant:

3. The complainants, flat owners of the Project Royal Park of M/s Vasavi Builders (Respondents), state that the Respondent/Builder has failed to provide Manjeera Water connections as specified in the enclosed specifications for the residential property. Despite repeated requests and

reminders, the respondent/builder has failed to take action on this matter, causing a great deal of inconvenience and frustration.

4. The Respondent Builder's unethical and fraudulent behaviour regarding the area measurement of flats 102, 202, 302, 402, and 502 in the residential property, the builder has cheated them by providing a lesser area measurement than what was specified in the agreements.

5. As flat owners, it is their right to receive the amenities and facilities that were promised in the specifications of the property. In this case, Manjeera water connection was clearly stated as part of the specifications, but the Respondent builder has failed to provide it. This has resulted in a situation where the owners have to rely on alternate sources of water, which are not always reliable and can be expensive.

6. Further, they have reached out to the Builder multiple times to address the above issues, but they have not taken any concrete steps towards resolving it. The lack of communication and action on the part of the Respondent has compelled them to file a complaint under this Authority, hence this complaint.

B. Relief sought:

7. To investigate this matter and take appropriate action against the Respondent for the failure to provide the promised Manjeera water connection, compensate for the area measurements, and address tax arrears.

C. Reply by the Respondent:

8. The Respondent, M/s Vasavi Builders, a registered partnership firm, constructed and completed the project by the name Golf Links situated at Yapral Village. It admeasures 880 square yards or 735.68 sq. mtrs., within the limits of GHMC Malkajgiri Circle and Alwal Mandal, Medchal Malkajgiri District. The construction was completed as per the permission granted, and an occupancy certificate was issued by the commissioner GHMC.

9. The project is registered with TS RERA under Registration No. P02200001556, dated 27.12.2019. Respondents state that they have completed the project as per Rules and regulations by obtaining necessary permissions from the concerned Authorities. They further state that the present complaint under Form M under Rule 34(1) is baseless, denying the failure to provide connection for Manjeera Supply and asserting that they have already paid the due connection charges to HMWS & SB office.

10. The Respondent maintains that the construction is made as per the specifications, as evidenced by the Occupancy certificate issued by the commissioner GHMC.

11. The Respondent denies the allegations of property tax arrears for the respective flat properties.

12. Therefore, the Respondent denies all charges claimed by the complainants as false, illegal, and frivolous, and asserts that they are against the facts and law and likely to be dismissed.

D. Hearing Conducted:

13. On 10.10.2023, a hearing was conducted wherein the complainants were present in person. However, none appeared for the Respondent despite the notice from the Authority issued on 03.10.2023.

14. The complainants reiterated their contentions made in the original complaint. They submitted that the Respondent/Builder has failed to provide Manjeera water connection till date, despite the Respondent builder promising the complainants at the time of the purchase that Manjeera water connection will be provided. The complainants have reached out to the Respondent builder for the same issue, but their requests have been ignored, leading them to file a complaint.

15. Furthermore, the complainants submitted to this Authority that the Respondent Builder has not cleared mutation charges for the concerned building. Additionally, they submitted that there are certain flats whose

measurements areas differ and are not aligned with the specifications in the Agreement executed.

E. Observations and Direction by the Authority:

16. The Authority notes that as per the evidence submitted by the Respondent via DD bearing no.345135 000485000 dated 01.02.2019, indicating payment towards the HMWS&SB, it is evident that the Respondent Builder has paid the amount for providing connection to Manjeera water. However, if there is a delay by HMWS& SB in replying to the feasibility Report, which is the responsibility of HMWS&SB department, the complainants should accordingly approach them. The Respondents cannot be directed to provide Manjeera water until HMWS&SB initiates the process from their end. Consequently, this Authority is unable to grant relief in this regard.

17. With respect to the mutation charges, it should be noted by the Complainants that mutation charges are charged flat-wise and not for the Building. Hence, as the complainants themselves lack clarity regarding the mutation process and lack evidence for this submission, the Authority will not delve into the merit of this relief.

18. The Complainants allege discrepancies in the area measurements of certain flats, asserting that they do not align with the terms stipulated in the executed agreement. In contrast, the Respondent contends that no deviations have occurred, and in substantiation of this claim, the Respondent has submitted the Occupation Certificate issued for the relevant Building on 11.01.2021, along with the building plan sanctioned by the competent authority. Upon careful examination of the evidentiary material presented by the Respondent, this Authority is of the opinion that the construction of the project in question adheres to the approved sanction plan vide 2/C28/04620/2019, and that the Occupation Certificate has been duly issued by the competent authority.

19. In light of the observations of the Authority, the present complaint stands disposed of.

20. 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