



“Rules”) seeking directions from this Authority to take action against the Respondents.

**A. FACTS SUBMITTED BY THE COMPLAINANT:**

3. The Complainants, asserting their status as flat owners of RV Exotica located at D No 5-5-33/P27 to 30, plot no 27,29 and 30, Viganapuri Colony, Mythri Nagar, Kukatpally, Hyderabad – 500072, presented their case before this Authority. The Complainants acquired the property through transactions with various parties, builders, landowners, and customers in the year 2017, commencing their occupation of the flats in 2018. Notably, the builder has failed to fulfill the contractual obligations, prompting the Complainants to engage with the Respondents/builder. Regrettably, the Respondents has remained unresponsive to the Complainants' pleas to date.

4. In response to the builder's inaction, the flat owners have undertaken minor works independently, encompassing tasks such as Electricity Panel Security Grills, Basement boundary walls, Terrace Putty, Painting, Water tank repairing work, CC Cameras, bore repairing, etc. These endeavors were initiated due to the builder's lack of reciprocation towards the pending works requests raised by the flat owners.

The specific works that remain outstanding are as follows:

- a. Car Parking Allotment to all flat owners in RV Exotica
- b. Occupancy letters to be provided to all the Flat Owners
- c. 2nd Coat of Painting for the entire RV Exotica Building
- d. Construction of the Apartment Boundary Wall
- e. Resolution of Lift issues

5. Given the substantial cost associated with these pending works, the flat owners find themselves unable to bear the financial burden.

**B. RELIEF SOUGHT:**

6. The Complainants seek redress through a directive from this Authority, compelling the Respondents to expeditiously complete the pending work in the concerned RV Exotica project.

**B. NO REPLY RECEIVED:**

7. Despite the issuance of notices on 22.06.2021 and 21.02.2023, the Respondents have failed to provide any response to the contentions raised by the Complainants.

**C. Hearing Conducted:**

8. On the 4th of October 2023, a hearing was conducted, during which the Complainants reiterated the contentions articulated in the original complaint submitted before this Authority. It was brought to the attention of the Authority that the building permit order was granted on the 15th of March 2013. However, no representative appeared on behalf of the Respondents during the proceedings. Recorde, attempts to serve summons to the Respondents were met with non-delivery, as the returned notice indicated that no addressee was found at the given address.

**D. OBSERVATIONS OF THE AUTHORITY:**

9. After a thorough examination of the facts and circumstances surrounding the present case, following issues warrant the attention of this Authority:

- i. Whether the present matter is maintainable before this Authority?
- ii. Whether the Respondents are liable to complete the pending work of the project?

**i. Whether the present matter is maintainable before this Authority?**

a. Section 3(2) of the Real Estate (Regulation and Development) Act, 2016 ("the Act") stipulates that no registration of a real estate project shall be required if the promoter has obtained a completion certificate for a real estate project prior to the Act's commencement. However, the Complainants contend that no Occupancy Certificates have been obtained for the Project by the Respondent Builder. Consequently, registration under the provisions of the Act is deemed necessary and mandated under Section 3 & 4 of the Act, 2016.

b. It is well-established that the Act prevails over Rules. Therefore, despite Rule 1(2) indicating applicability only to projects with

building permissions granted on or after 01.01.2017, the Act necessitates registration for projects without Completion Certificate/Occupancy Certificate issuance. Notably, this obligation extends to projects compelled to obtain a Completion Certificate as per Government Order G.O.M.s No.86 dated 03.03.2006. The Respondents obtained a GHMC permit on 15.03.2013, yet the absence of an Occupancy Certificate compels registration for the blocks lacking a Completion Certificate. Consequently, the present matter is deemed maintainable and well within the purview of this Authority's jurisdiction.

**ii. Whether the Respondent is liable to complete the pending work?**

The Authority notes the Complainants' original complaint detailing the works to be completed by the Respondent. The observations are as follows:

- a. With respect to Car Parking allotment, the Authority opines that such allotment can be accomplished amicably by the Flat owners association without the necessity of Respondents interference.
- b. In regards to the Occupancy certificate, as per section 11(4)(b) of the RE(R&D) Act, the promoter is mandated to obtain the completion certificate or the occupancy certificate and make it available to the allottees. Therefore, the Respondents are held liable to provide the Occupation certificate to the Allottees of the concerned project.
- c. Regarding pending works of the 2nd Coat of painting, Apartment boundary wall, and Lift issues, the Authority asserts that it is the Builder/Developer's responsibility to complete the 2nd coat of painting, construct the boundary wall, and ensure that the Lift of the concerned apartment is handed over to the Allottees in a complete and usable manner.

10. Therefore, the Respondents bear responsibility for completing the aforementioned pending works.

**E. DIRECTIONS OF THE AUTHORITY:**

11. After careful consideration of the facts and circumstances, the Authority hereby issues the following directives:

I. the Respondents is directed to complete all pending works as per the agreed specifications, including the construction of the boundary wall, completion of the 2nd coat of the building, resolution of the lift issue, and providing the lift in a complete and usable possession within 60 days from the date of the receipt of this Order.

II. the Respondents is directed to obtain the Occupancy Certificate, which has not been issued by the competent authority, and make it available to the Allottees within 60 days from the date of this Order.

12. In lieu thereof, the present complaint stands disposed of.

13. 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**