

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

COMPLAINT NO. 72 OF 2024

31st October, 2024

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

Miss. Muddham Sri Vidya

...Complainant

Versus

Smt. J. Ramdevi, landowner

Sri. Venkat Rami Reddy president of Residential Association

...Respondents

The present matter filed by the Complainant, came up for final hearing on 24.08.2024. The Complainant appeared in person, represented by Satya Narayana, while Respondent Smt. J. Ramadevi and Respondent 2 were also present. Upon hearing the submissions of both parties, the 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 "RE(R&D) 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. Brief facts on behalf of the Complainant:

3. The Complainant submitted a complaint, informing this Authority that she purchased Flat No. 201 on the 2nd floor of the "Sunrise Bliss" project located at Kanthivanam Colony, Kondapur, Sherilingampally. Upon receiving the full payment, the flat was registered in favor of the Complainant in October 2022.

4. Following the registration, the Complainant alleges that the Respondent 2 demanded additional charges for Manjeera water,

CCTV, and other amenities. She further claims to have paid an additional Rs. 50,000/- towards these extra charges..

5. The Complainant also highlighted unresolved issues with repairs in the flat, lack of water connection, and absence of a designated parking space..

B. Relief sought:

6. To direct the Respondent 1, landowner to refund the extra charges collected and Compensation for the inconveniences caused by repairs, water disconnection, and alleged harassment.

C. Reply on behalf of the Respondent:

7. In a reply dated 22.07.2024, the Respondent 1 contended that the complaint is not maintainable under the RE(R&D) Act, asserting that the dispute is between a flat buyer and a subsequent seller, rather than a developer, builder, promoter, or real estate agent.

8. The Respondent submitted that the additional charge as a "caution deposit" was collected by the Flat Owners Association for community welfare purposes. The Respondent asserted that Respondent 1, landowner played no role in the collection of these charges, which are under the purview of the Association.

9. The Respondent further highlighted that both the Complainant and Respondent had signed an agreement with the Association, Respondent 2, which included provisions for the caution deposit, thus resolving the issue at the time of sale.

10. Further that Complainant has pursued multiple complaints in various forums, including the police, Lok Adalat, and consumer forum, indicating an attempt to seek redress on the same matter through multiple legal avenues.

11. Respondent 2, the president of the Flat Owners Association, submitted that the Association had indeed collected a caution deposit and other charges from all flat owners, including the Complainant, to cover the operational costs for amenities and services within the residential complex. Respondent 2

clarified that the collection of these fees was a collective decision made in the interest of maintaining essential services for all residents. He asserted that the Complainant was duly informed about these charges through Association meetings and general communications, where the rationale for the charges was transparently discussed. Respondent 2 stated that all residents, including the Complainant, were informed of the Association's policies regarding maintenance costs, water supply charges, CCTV installation, and other communal facilities. These charges were approved in compliance with other residents.

D. Observations and Directions of the Authority:

12. Upon reviewing the submissions, it is evident that the primary dispute revolves around the collection of a caution deposit by the Flat Owners Association- Respondent 2, which the Complainant claims was not disclosed by the Respondent at the time of sale. Additional issues regarding repairs, water connection, and parking were also raised.

13. In accordance with Rule 38 of the Telangana Real Estate (Regulation and Development) Rules, 2017, complaints under the RE(R&D) Act are maintainable solely for disputes involving allottees, developers, promoters, or real estate agents. The current complaint pertains to a transaction between the Complainant and the Resident welfare association pertaining to the amount collected for Manjeera water connection.

14. Furthermore, the collection of maintenance charges, including the caution deposit, falls within the responsibilities of the Flat Owners Association, not the Respondent 1. Respondent 2, the Association's president, has stated that the amount was collected from all flat owners to cover for the connection of Manjeera water. The Complainant was informed of these charges in Association meetings, indicating transparency in the Association's practices, and the complainant was well aware of the same. Further that the Respondent 1 has no part in it, as the decision was made amongst the residents and the same was informed to the complainant as well.

15. The RE(R&D) Act has no provision which allows this Authority to adjudicate on matters arising between a resident and the Apartment

Association regarding maintenance and issues related to new connection fees. Given that the complaint does not involve against allottee developer, promoter, or real estate agent, and primarily pertains to Association matters which fall outside the ambit of RE(R&D) Act, this Authority finds the complaint to be not maintainable under the RE(R&D) Act.

16. The Complainant may approach appropriate forum for such relief.

17. Accordingly, the present complaint is dismissed as it falls outside the jurisdiction of this Authority.

**Sd-
Sri.K.SrinivasRao,
Hon'ble Member
TGRERA**

**Sd-
Sri. Laxmi NaryanaJannu,
Hon'ble Member
TGRERA**

**Sd-
Dr. N. Satyanarayana, IAS (Retd.),
Hon'ble Chairperson
TG RERA**

