

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

COMPLAINT NO.1671 OF 2023

7th Day of February, 2024

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

Sri M. Sreehari

...Complainant

Versus

M/s DM Constructions

Represented by its Managing Director. B. Naresh

...Respondent

The present matter filed by the Complainant herein came up for hearing on 02.01.2024 and 31.01.2024 before this Authority in the presence of the Complainant in person and none for the Respondent and upon hearing the arguments, this Authority passes the following **ORDER:**

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & Development) Act, 2016 read with Rule (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 on behalf of the Complainant:

3. The Complainant submitted that he purchased flat No.103 in the Project titled "Lava Kusha Pride" admeasuring 1479.00 sft within the revenue limits of Velugumatla Khammam Urban Mandal, Khammam Municipal Corporation Limits,

Khammam City & District which is not registered with TS RERA. Further, the Complainant obtained registered Sale Deed vide Document No.14630/2022 dated 03.12.2022 for the said purchase of flat. That despite having purchased the flat, the Complainant submitted that the Respondent Builder failed to provide water and electricity supply causing inconvenience to the Complainant. Aggrieved by the same, the Complainant approached this Authority seeking appropriate action for violation of the provisions of the Act, 2016 and to direct the Respondent to provide water and electricity connection.

B. Observations and Directions of the Authority:

9. Notices were accordingly issued to both parties and despite being in receipt of the Notice, the Respondent failed to appear before this Authority on 02.01.2024, stating, vide Memo dated 23.12.2023, that they have resolved all issues with the Complainant and that water and electricity connection has been duly provided and stated that consent of the Complainant is attached with the Memo but no such attachment was found. He accordingly, prayed that the complaint be disposed of as all issues are settled between the parties.

10. On 02.01.2024, the Complainant appeared and submitted that no issues were resolved and sought for inspection on Project to verify the veracity of the claims made by the Respondent Builder. Accordingly, an inspection was conducted and vide Inspection Report dated 04.01.2024, it was observed that the building is constructed duly obtaining the building permission from STUDA Khammam vide permit No.3147/Velugumatla /2021/0387, dt. 11.10.2021 which valid up to 11.10.2027. further, the Respondent Builder has constructed stilt +5 floors consisting of 15 flats and the Complainant's flat is located in the first floor. This flat

is completed in all respects except polishing work to the doors and windows and water and electricity connection is yet to be given.

11. It was also observed that the Respondent Builder applied for RERA registration on 23.08.2022, but since he did not comply the shortfalls, the same is pending. Upon verification, the Respondent Builder informed the Inspection Team that he is ready to complete pending works within (15) days in the Complainant's flat provided the balance amount is cleared by him. In this regard, it is also observed that a careful perusal of the Sale Deed bearing document No.14630/2022 dated 03.12.2022, stipulates that entire sale consideration has been received and acknowledged by the Attorney Cum Developer Company/Builder Company.

12. It is also observed that penalty was imposed on the Respondent Builder during submission of his Application on the TS RERA website which has accordingly been paid by the Respondent. Subsequently, the Project titled "Lava Kusha Pride" is now registered with this Authority vide Registration No.P00800007652 having validity up to 11.10.2027.

12. Therefore, as per observations made above, following directions are issued to the parties:

- i. Even though, it is admitted by the Respondent that total sale consideration has been received, if any further pending amounts are to be paid by the Complainant to the Respondent by way of a subsequent Agreement, the same shall be paid within 15 days from the date of receipt of this Order.
- ii. Respondent, as promised, shall within 30 days from the date of receipt of amounts from the Complainant as directed above, provide electricity and water connection to the Complainant.

13. In 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) 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

