

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

# COMPLAINT NO.58 OF 2024

# 1<sup>st</sup> Day of October 2024

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

1. Sri Talari Naveen Kumar,
2. Sri Avineni Naveen Kumar,
3. Sri Bodemudi Vineetha,
4. Sri Yepuri Srinivasa Rao,
5. Sri Kollipara Bharath
6. Sri Prashanth Mahanthi

## ...Complainants

## Versus

M/s DNR Constructions  
Represented through Sri Duvvuri Sanjeev Reddy  
and Sri Ambati Narsa Reddy

...Respondent

The present matter filed by the Complainant herein came up for hearing on 20.06.2024, 10.07.2024 and 25.07.2024 before this Authority in the presence of Complainants 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 under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (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”) seeking appropriate relief against the Respondent.

**Brief facts of the case:**

3. The Complainants submitted that they are residents of DNR Harshith Residency registered with this Authority vide Rgn. No.P02200002795 having validity up to 02/02/2025.

4. The Complainants raised the following issues

- i. The retaining wall of the building is found to be bulging at few locations. No weep holes are provided in the retaining wall.
- ii. Dampness and leakage of the water is observed in the retaining wall at many locations. The alignment of the retaining wall is not straight.
- iii. The alignment of the column connecting retaining wall is not straight.
- iv. Water is oozing out from the floor of the cellar and the lift pit.
- v. One column in the lift was chipped and its reinforcing bars are exposed.
- vi. Dampness is observed at some locations in the cellar slab.
- vii. Tot lot area is provided over the cellar slab.
- viii. Cracks are observed in the waterproof layer of the roof slab and water is getting stagnated at some places.
- ix. No drawings(structural/plumbing/electrical) give by builders so far.
- x. No proper harvesting and in rainy season almost 30KL seepage water connected to drainage line.
- xi. Water seepage from the cellar slab due to parking tiles on the stilt drive ways.
- xii. In the internal walls lot of cracks and damages due to improper plastering and curing.

- xiii. No proper storage facility provided for the municipal water and due to this, we are not in a position to utilize the municipal water, even though we have taken the water connection.
5. The Complainants have also produced a building evaluation report from JNTU to establish the lacunae in the project as enumerated above.
6. Accordingly, they prayed as under:
- i. The structural drawings of the retaining wall are to be verified and check the design for saturated soil condition.
  - ii. Weep holes are to be provided for the retaining wall and also for flooring as per the recommendation of the structural engineer. The alignment of the column is to be corrected by jacketing from the footing after verification of structural drawings by the structural engineer.
  - iii. The water seeping out from the floor of the cellar is to be collected at suitable locations and pumped out from the cellar (builders should provide the solar motors to reduce the burden of monthly electricity bill). Also, proper drainage in the cellar is to be provided. Suitable slope has been maintained for the floor to collect the water that is seeping out from the floor during rainy season. Builders have done some extent on this point
  - iv. Proper drainage of water is to be ensured from the RCC roof slab.
  - v. The lift pit should be provided with RCC slab and wall to prevent water from seepage into the pit.

- vi. Proper drainage of water by providing adequate slope for the tot lot area is to be ensured as it is provided over the cellar slab. Builders have done some extent on this point
- vii. Stilt to cellar seepage to be arrested.
- viii. Provision of proper driveways.
- ix. Adjust the plantation on the stilt for the free vehicle movement.
- x. For the 40 families only 1 lift (not branded refurbished one) provided.
- xi. Terrace water proofing not done properly (mixture of required raw materials in proper and worst slopes provided to drain out the terrace water), already some owners observed water leakage from the Terrace.
- xii. Provision of proper storage tank and its connections to municipal water connection pipe.

**Reply filed by the Respondent:**

7. The Respondent filed a reply and submitted that they have obtained a Structural Stability Certificate on 15th February 2020 from the licensed structural engineer stating therein that the construction has been thoroughly checked in accordance with the relevant standards as per Bureau of Indian Standards as well as National Building Code of India and the building is found to be safe and sound. It was submitted that they have received a Work Completion Certificate on 30th November 2021 from the licensed Engineer stating that the construction is completed in all aspects and is fit for occupancy.

8. It was also submitted that their project has received an occupancy certificate as on 3rd September 2022 from HMDA and that they have also fulfilled all their promises made to customers in Agreement of Sale. That, therefore, the

project "Harshith Residency" meets all the requirements as per the laid-out plans and approvals.

**Rejoinder by the Complainants:**

9. The Complainants submitted their and stated that the certificates, i.e., Structural stability certificate awarded on 15th February 2020 and Work completion certificate awarded on 30th November 2021 attached by the Respondent in his response to the complaint are awarded at various stages of building constructions and which are mandatory to get RERA registration and Occupancy certificate, those are only part of execution and completion of any project.

10. It was submitted that the Respondent hasn't gone through the RERA complaint, according to the JNTUH report, they have clearly mentioned that, due to construction defects (especially with waterproofing) which are made at the late stage of constructions has rooted for the building structural damage very soon, That, the Complainants are not questioning the structural stability of the building on the certified dates as the waterproofing is made at the final stage of construction and can be verified only in some circumstances (mainly in rainy season) and that the cause of the waterproofing failure at various parts of the building is only due to negligence of the Respondent builder.

11. That after observing the seepage from 6 sides of Cellar, Stilt and Terrace, the Complainants are very concerned on the building life and structure and approached JNTUH-ICS on 29-06-2022. Their professors visited the Building and carried out the inspection, and at the time of inspection Supervisor Anil (from

DNR Constructions) also participated and answered few questions raised by JNTUH professors as part of inspection, consequently JNTUH have issued report on 20.07.2022.

12. That according to JNTUH-ICS professors, the structural stability of the building is getting weaker, due to the negligence of the Respondent builder, while waterproofing major parts of the building (such as Cellar, Stilt and Terraces). We have also observed the same negligence while executing a few rectifications suggested by JNTUH professors, which are causing maintenance of the building harder and more expensive. In order to resolve the defects as per JNTUH-ICS report, all the flat owners have visited the DNR construction office weekly once from that day, requesting for proper solution and necessary actions based on the report. But due to the recklessness and irresponsibility of the Respondent the necessary rectifications are not carried out.

13. It was submitted that few issues were rectified by the Respondent after the JNTUH report:

- i. Tot-lot waterproofing done by builder once after receiving JNTUH report to avoid roof seepage
- ii. Laid channels and weep holes within the cellar flooring to some extent and collecting the water in two collecting pits.
- iii. West side plantation removed.
- iv. Water storage sumps at stilt waterproofing was done, but to avoid water flow from the top manhole due to flooring slop, the builder has raised the height of manhole. Due to which manholes are getting damaged as they are constructed in the middle of driveway.

### **Additional pleas**

14. The Complainants raised additional pleas after occupying the premises:

- i. Continues flow of water in the cellar due to weak waterproofing from retaining walls and flooring.
- ii. Water used to pop out from pillars and floor, causing iron structure to get exposed in many places and get rusted. Even saw seepage in the lift pit.
- iii. Bend column: One of the column in the South west corner has bended for 4 inch and observed seepage in the bend column
- iv. With 40 flats capacity building, the builder has provisioned only one non-branded lift. It has failed multiple times and caused regular repairs and caused inconvenience to elders and pregnant staying in the apartment.
- v. Stilt flooring slope is not properly laid for smooth water evacuating, due to which water used to be stuck at multiple places and manual efforts were highly consumed to clear the water.
- vi. Terrace in the worst condition, without a proper cement mixer, laid the flooring, which has vanished with one small rain. And sand is exposed by digging with hand fingers.
- vii. Observed seepage at multiple places of the building and caused worry on the building's life. In the cellar retaining wall has bulged at multiple places, 2 inches of bulge is very commonly observed on all sides of wall. Up to 4 inches of bulge has been observed on multiple sides of the cellar. Even to get it verify the existing design no structural

drawings available and this is all happening due to wet soil pressure from outside the retaining wall.

- viii. The Manjeera sump has been constructed 8 feet high from the level for manjeera water pipe supply, which has made it impossible to get manjeera water to the sump.

### **JNTU-H Report**

15. The JNTU-H Report dated 20.07.2022 observes as under:

*“On the request of the residents of the DNR Harshith Residency flat owners the 2 spion of the building was carried out by the faculty Dr. B.Dean Kumar, and Dr.M.Janardhan Yadav, Professors of Civil Engineering of the Civil Engineering Department, JNTUH CEH on 30.06.2022 in the presence of flat owners and other residents. The building consists of Cellar+Ground+5 stories and it was informed that the construction was started two years ago. The visual inspection report of the building is herewith submitted.*

#### *Physical Observations*

- (a) The Retaining wall of the building is found to be bulging at few locations. No weep holes are provided in the retaining wall.*
- (b) Dampness and leakage of the water is observed in the retaining wall at many locations.*
- (c) The alignment of the retaining wall is not straight.*
- (d) The alignment of the column connecting the retaining wall is not straight.*
- (e) Water is oozing out from the floor of the cellar and the lift pit.*



*(f) One column in the lift was chipped and its reinforcing bars are exposed.*

*(g) Dampness is observed at some locations in the cellar slab.*

*(h) Totlot area is provided over the cellar slab.*

*(i) Cracks are observed in the water proof layer of the roof slab and water is getting stagnated at some places.*

#### *Conclusions:-*

*From the observations the following recommendations are made.*

- 1. the Structural drawings of the retaining wall are to be verified and check the design for saturated soil condition.*
- 2. Weep holes are to be provided for the retaining wall and also for flooring. as per the recommendation of the structural Engineer.*
- 3. The Alignment of the column is to be corrected by jacketing from the footing after verification of structural drawings by the structural engineer.*
- 4. The water seeping out from the floor of the cellar is to be collected at suitable locations and pumped out from the cellar. Also proper drainage in the cellar is to be provided. Suitable slope has been maintained for the floor to collect the water that is seeping out from the floor during rainy season.*
- 5. Proper drainage of water is to be ensured from the RCC roof slab.*
- 6. The Lift pit should be provided with RCC slab and wall to prevent water from seepage in to the pit.*

7. *Proper drainage of water by providing adequate slope for the tot lot area is to be ensured as it is provided over the cellar slab.”*

**Observations and Directions of the Authority:**

16. It is observed that Respondent, despite service of notice has failed to appear and therefore has been set-ex-parte on 10.07.2024. However, the Respondent filed a reply which is taken on record. There is no substance in the submissions made by the Respondent. Mere procuring of Structural stability certificate awarded on 15th February 2020 and Work completion certificate awarded on 30th November 2021 does not mean the Respondent's liability towards the allottees before this Authority is waived.

17. This Authority is of the considered opinion that Section 14(3) clearly provides that *in case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.*

18. Despite several instances of the Complainants raising these issues with the Respondent, the very fact that Respondent neglected its obligation to rectify such defects is dereliction of its duty which is impermissible under law.

19. Therefore, in accordance with the JNTU-H report dated 20.07.2022 submitted by the Complainant, the Respondent is liable to rectify the defects within a period of 60 (sixty) days, and submit compliance report, failing which appropriate action under Section 63 will be initiated against the Respondent.

20. Further, with regard to manjeera water sump, the Respondent is directed to re-construct the same so as to match the levels of manjeera pipeline for easy storage of water.

21. In light of the above directions, the present complaint is disposed of.

22. If aggrieved by this Order, the parties may approach the Telangana Real Estate Appellate Tribunal in accordance with Section 44 of the Act, 2016.

**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**