

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

[Under the Real Estate (Regulation and Development) Act, 2016]

Complaint No. 301 of 2024

Dated: 16th October, 2025

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

1. P. Vidya Sagar

2. D. Yamini,

*R/o. Villa No. 161, Libdom Villas,
Eidgah Road, Peeram Cheruvu,
Gandhamguda Village, Bandlaguda Jagir,
Hyderabad, Telangana - 500091*

...Complainants

Versus

M/s Niyas Projects,

*O/o. Plot No. 7 & 8 Part, H.No. 13-2/93,
Athithi Prime, Gandhamguda Village, Bandlaguda Jagir Municipality,
Gandipet Mandal, Ranga Reddy District, Hyderabad - 500091*

... Respondent

The present matter filed by the Complainant mentioned herein above came up for hearing before this Authority in the presence of the Complainant in person and none for the Respondent, and upon hearing the submissions, this Authority proceeds to pass the following

ORDER:

2. This 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 action against the Respondents.

A. Brief facts of the case:

3. It is submitted that in the draft layout plan approved by HMDA in 2017, a Sewage Treatment Plant (STP) was specifically marked. However, in the final approved plan the marking of the STP was altogether removed. Pursuant to a notice issued by the Telangana State Pollution Control Board (TSPCB), the Respondent builder commenced construction of an STP at a location which was not even the one marked in the draft approved plan. The TSPCB notice itself recorded that the location of the STP is different from the one indicated in the draft plan.

4. It is submitted that the new location chosen is at the north-eastern corner of the community, which is a flood-prone area. During every rainy season, heavy rainwater floods occur at this corner, and the compound wall has collapsed on two earlier occasions. The floods have also led to incidents of electrocution in the water flow. Earlier, on the request of the residents, the builder constructed two large rainwater harvesting pits at this corner, which solved the issue of collapsing of the compound wall.

5. The Complainants further submit that the new site has no proper access for either construction or future maintenance. To start the work, the builder broke open the compound wall of an adjoining private property, which is presently open land, but which will not remain accessible once occupied. Without proper access, vehicles cannot enter for sludge collection, nor will it be possible to carry out repair or replacement of equipment. Also, the STP will always be flooded with rainwater, as is the case from the last 5 years.

6. The Complainants state that they have raised several complaints before the Pollution Control Board, municipal authorities, and HMDA,

B. Relief Sought:

7. Accordingly, the Complainant sought the following reliefs:

- i. *To direct the builder to stop the STP construction at the present ongoing site and to rebuild the rainwater harvesting pit which was removed for building the STP.*
- ii. *To direct the builder to follow the STP markings as per the draft plan approved by HMDA in 2017.*
- iii. *To direct the builder to ensure proper approachability to build and maintain the STP.*
- iv. *To direct the builder to ensure that the STP area is not flooded, as flooding will affect the efficiency of the STP.*
- v. *If the builder intends to choose a new site, direct him to take consent from the neighbouring residents and villa owners*

C. Counter filed by Respondent:

8. The Respondent has filed a counter opposing the complaint and denying the allegations made therein. It is stated that the reliefs sought by the Complainant cannot be granted by this Authority under the provisions of the RE(R&D) Act and Rules. The Respondent contends that there is an express bar under Rule 1(2) of the Telangana Real Estate (Regulation and

Development) Rules, 2017, which provides that projects whose building permissions were approved prior to 01.01.2017 do not fall within the ambit of RERA. Since the layout was approved on 30.12.2013, it is contended that the present complaint is not maintainable.

9. The Respondent further submits that the Complainant has suppressed material facts and indulged in forum shopping. Though in the affidavit it is stated that no other proceedings were initiated, the Complainant had already approached the Pollution Control Board, the Office of the Additional Collector, the HMDA and the Bandlaguda Jagir Municipal Commissioner on the same subject matter.

10. With respect to the project, the Respondent submits that initial permission was obtained for 141 villas, later revised to 189, and finally to 192 villas, all in accordance with applicable rules and regulations. It is stated that the Gram Panchayat of Peeramcheruvu had permitted the Respondent to directly connect the project's sewage line to the main sewage line, without the need for an STP. In pursuance and basing on the said permission and understanding, a revised plan was submitted by the Respondent and the provision for STP was removed, leaving the earmarked site vacant for any future requirement.

11. It is submitted that the sewage line exiting the project was directly mated to the main sewage line, and that no complaints of sludge or sewage backflow were ever raised by residents.

12. The Respondent further submits that only upon representations made by the Home Owners Association was the question of constructing an STP reconsidered. Though it was explained that there was no functional need, certain residents escalated the matter to the authorities, and pursuant to the directions of the Telangana State Pollution Control Board dated 14.09.2023, the Respondent was called upon to construct an STP. It is submitted that after consultations, the garbage site was identified as the only viable location, since the original earmarked site was inadequate due to the revised capacity stipulated by the Pollution Control Board. The Home Owners Association is stated to have given its express consent for construction of the STP at the garbage site.

13. The allegations of lack of access, collapse of compound wall due to flooding, and electrocution hazards are denied as false and baseless, with the Complainant put to strict proof thereof. It is further contended that the construction is being carried out by an established industry leader and that all necessary provisions for access and maintenance have been ensured.

14. It is submitted that, pursuant to an order dated 06.12.2023 of the Bandlaguda Jagir Municipal Commissioner, the Respondent has already halted the construction of the STP. It is stated that interim arrangements have been made for free flow of rainwater and sewage at the site and the allegation of stagnation is denied.

15. The Respondent further submits that the construction of the STP was undertaken after obtaining the consent of the Home Owners Association, under the bona fide belief that the Association was representing all the residents and had secured the consent of the individual homeowners as well. It is therefore contended that the objection raised by the Complainant that her individual consent was not obtained is untenable and is only a frivolous plea intended to delay the construction. The Respondent states that it has always been, and continues to remain, willing to explore all viable options for construction of the STP. In view of the above, the Respondent prays that the complaint be dismissed as vexatious, false, and contrary to law.

D. Rejoinder filed by the Complainant:

16. The Complainants have filed a rejoinder wherein they have strongly denied and disputed all the allegations and averments made by the Respondent in the counter. They submit that the counter filed by the Respondent contains misleading statements and false allegations which are contrary to the true facts of the case. The Complainants state that they have been fully transparent throughout the proceedings and have placed all relevant details and documents before this Hon'ble Authority. At no point have they concealed or misrepresented any information. It is further submitted that the Complainants were compelled to approach various government departments only because their repeated representations were not being addressed. Having received no response or effective action from the concerned authorities, they were constrained to approach this Hon'ble Authority seeking appropriate resolution.

17. The Complainants further submit that the issues raised in their complaint, particularly with regard to the construction of the STP and related safety concerns, are genuine and of serious consequence to the residents' living conditions. They contend that since they were not receiving any response from the authorities, they had no option but to escalate the matter. It is submitted that the Complainant's intent was always to resolve the problems and not to harass the Respondent Builder.

18. It is submitted that instead of addressing the core issue, namely the deviation from the approved plan, the Respondent has attempted to divert attention by making baseless allegations. They have furnished material evidence in support of their submissions, including

a letter from the Homeowners Association requesting the Respondent to construct the STP as per the approved plan, photographic evidence of water stagnation and flooding at the site, proof of the compound wall collapse and its subsequent reconstruction with a mesh, and absence of proper access to the proposed STP site.

19. In conclusion, the Complainants pray that the counter filed by the Respondent be dismissed as misleading and intended to divert attention from the real issues involved. They request that the Hon'ble Authority direct the Respondent to adhere strictly to the approved plan, and take necessary action to ensure fairness and justice to the Complainants.

E. Observations of the Authority:

20. It is observed that the issue raised by Complainant pertains to the change in the proposed location of the STP from smaller site area to a relatively larger area in the project Layout.

21. It is noted that the establishment of a STP is a statutory and infrastructural necessity mandated under applicable environmental and municipal norms to ensure sustainable habitation.

22. Therefore, this Authority lacks jurisdiction to issue directions regarding the precise location or structural positioning within the project premises. Such planning and environmental aspects will fall under the jurisdiction of appropriate competent authorities.

23. However, to maintain transparency and collective interest of allottees, it is suggested that the final location and operational plan of the STP to be discussed and ratified in the General Board Meeting of the Libdom Villas Residence Welfare Association.

24. In view of the above, the present complaint stands dismissed. No order as to costs.

Sd/-
Sri K. Srinivasa Rao,
Hon'ble Member
TG RERA

Sd/-
Sri. Laxmi Narayana Jannu,
Hon'ble Member
TG RERA

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