

**BEFORE THE
TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY,
HYDERABAD**

COMPLAINT NO.277/2022/TSRERA

Date of decision: 28.09.2023

Sri N.Prasad Raju

Sri P Gopala Krishnam Raju

...Complainant

Versus

Beeram Ranga Reddy

...Respondents

Quorum: Dr.N.Satyanarayana, Hon'ble Chairperson
Sri. K. Srinivas Rao, Hon'ble Member
Sri. Laxmi Naryana Jannu, Hon'ble Member

Appearance: Complainant: None appeared on behalf of Complainant
Respondent: Present in person

ORDER

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") for violation and contravention of the provisions of the Act of 2016 or the Rules and Regulations made there under. The Act prescribes that the Promoter shall fulfil all obligations, responsibilities, and functions towards the allottee as per the agreed terms.

A. Facts of the case as stated in the complaint filed by the Complainant:

2. The complainants, N. Prasad Raju and Gopala Krishnam Raju, have brought forth a series of grievances related to the "Golden Oriole" project situated at Kousalya Colony, Bachupally, Hyderabad. These grievances include deviations from approved design, missing amenities, and various other issues.

3. The complainants have noted the following specific issues:

- I. Clubhouse completion with equipment and furniture has not been done, despite a significant delay.
 - II. Several promised amenities, such as a Function Hall, Supermarket, Library, Clinic room, medical store, and association office spaces, have not been handed over even after maintenance has been initiated.
 - III. Changes in the design and location of amenities like the Shuttle court, Cricket nets, and Skating Rink.
 - IV. Use of substandard materials throughout the project.
 - V. Non-provision of Rainwater harvesting pits.
 - VI. Significant changes to the swimming pool and play area that do not align with the originally promised design.
 - VII. Delay in initiating Manjeera Water Supply.
 - VIII. Non-provision of the specified 0.5 KW Generator backup.
 - IX. Pending installation of CCTV cameras on front doors and Intercom facility.
 - X. Plumbing seepages and incomplete painting work across the project.
 - XI. Discrepancies in the amount collected for maintenance and the maintenance services provided.
4. The complainants express their disappointment with the builder's failure to deliver the promised amenities and services within the agreed timelines. They also raise concerns about the builder's occupancy announcement without obtaining the necessary NOC (No Objection Certificate) from the relevant authorities.

B. Reply by the Respondent:

5. In response to the complaint, M/s Vishnukrupa Developers, represented by Mr. B. Ranga Reddy and others, submitted the following points:

- I. The respondent obtained the necessary technical permission from HMDA for the construction of the project and duly completed the construction according to the sanctioned plan and specifications. An Occupancy Certificate was also obtained, indicating compliance with all requirements.

- II. The respondent asserts that the complainants' grievances are not representative of all flat owners, as only two individuals have raised these concerns out of a total of 252 units.
- III. The respondent contends that the complaints regarding missing amenities, such as the clubhouse, were addressed, and these facilities were provided as per the agreement.
- IV. The respondent clarifies that Manjeera water provisions are subject to availability and that ground water through bore-wells is being utilized, as Manjeera water is not yet available in the locality.
- V. The respondent claims that extra works were provided at the request of the flat owners' association and that all specifications were met.
- VI. The respondent highlights the satisfaction letter from the association, which acknowledges the completion of amenities and the absence of pending works.

C. Rejoinder filed by the Complainants:

6. The complainants provided further responses and remarks regarding the respondent's reply:
 - I. They note that the Occupancy Certificate was issued recently after the complaint was submitted, and they raise questions about the inspection process that did not catch certain issues.
 - II. The complainants point out that water softeners mentioned in the agreement were not provided, leading to the flat owners pooling funds to address the issue.
 - III. Concerns are raised about the denial of Manjeera water supply, despite its availability to adjacent projects.
 - IV. The complainants dispute the claim that all other flat owners are satisfied, attaching a document with names and signatures of those dissatisfied.
 - V. Several promised amenities, including Intercom and a skating ring, have not been provided as per the documents.
 - VI. The complainants raise issues related to the use of the clubhouse space, builder meetings, and structural changes made without consultation.

- VII. They mention that one of the complainants chose to sell their flat due to unresolved issues.
- VIII. The complainants request that appropriate remedies be considered for the flat owners' plights.

D. Hearing Conducted on 19.09.2023:

7. During the hearing, no one appeared on behalf of the complainant, while the respondent was present in person. Summons dated 15.09.2023 were issued, and the respondent submitted the following points before the Authority:

- I. The respondent reiterated the issuance of technical permission and the occupancy certificate, highlighting that all construction was completed as per the sanctioned plan and specifications.
- II. They emphasized that the complaints stem from only two individual purchasers, out of a total of 252 units, and asserted that none of the other purchasers have raised issues with the construction or amenities.
- III. The respondent pointed out that the Golden Oriole Flat Owners Mutually aided cooperative Maintenance Society Ltd. had issued a satisfaction letter confirming the provision of all agreed specifications and additional facilities.
- IV. They maintained that there are no pending works and that the occupancy certificate and satisfaction letter confirm the satisfaction of all flat owners regarding the quality of construction.

E. Directions of the Authority:

8. In light of the above, the authority, after careful consideration of the arguments and documents presented, hereby issues the following order:

- I. The complainants have raised valid concerns about deviations from the agreed specifications and the delayed provision of certain amenities in the "Golden Oriole" project.
- II. The respondent has provided evidence of obtaining necessary technical approvals and an Occupancy Certificate, indicating compliance with construction standards and specifications.
- III. The respondent has presented a satisfaction letter from the Golden Oriole Flat Owners Mutually aided cooperative Maintenance Society

Ltd., which confirms the provision of agreed specifications and additional facilities.

- IV. It is evident that there are differing perspectives on the completion and quality of amenities provided in the project. While the respondent has presented evidence of compliance with technical requirements and the satisfaction of some flat owners, the complainants have raised specific concerns about the fulfilment of promises made in the project brochure and the delayed provision of certain amenities. But this authority notes that the majority of flat owners are satisfied with the construction and amenities provided. The issuance of occupancy certificates by the relevant authorities suggests compliance with approved plans.
- V. In view of the Satisfaction letter submitted by the Golden Oriole Flat Owners Mutually Aided Cooperative Society Ltd. on 24th March 2023, expressing their contentment with the construction and amenities provided, this present complaint is dismissed.
9. 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 Telanagana 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 receipt of this Order.

Sd/-

**Sri. K. Srinivas Rao, Hon'ble Member
TS RERA**

Sd/-

**Sri. Laxmi Naryana Jannu, Hon'ble Member
TS RERA**

Sd/-

**Dr.N.Satyanarayana, Hon'ble Chairperson
TS RERA**