

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

COMPLAINT NO.112 OF 2023

11th Day of October, 2023

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

1. Mr. Mohd. Naseem
2. Mrs. Shabana Praveen ...Complainants

Versus

M/s Reliance Builders
through Sri M. Srinivas Rao, Managing Partner ...Respondents

The present matter filed by the Complainant herein came up for hearing on 03.10.2023 before this Authority in the presence of Mr. Mohd. Naseem & Mrs. Shabana Praveen, the Complainants, and none for the Respondent and upon hearing the arguments of both the parties, 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").

A. Facts of the Complaint:

2. The facts, in brief, are that Complainants purchased Flat No.303 in "Reliance Jubilee" Project situated in Shaikhpeta, Tolichowki, Hyderabad bearing TS RERA Registration No. P02500000025 from the Respondent herein. At the time of sale, the representative of the Respondent Builder made false commitment/false

advertisement mentioning that household waste disposal facilities will be provided and collected at the garbage put as per layout plan however, the Respondent Builder did not provide any such facility at the dedicated place as per layout plan.

3. Further, as per the Agreement of Sale between the Complainants and the Respondent Builder, the Builder is responsible for 2 years' society maintenance which includes garbage management as well. Complainants additionally submit that the Respondent is not handling/managing waste in proper way and simply dumping apartment household waste in front of the Complainants' flat which is very unhygienic. They also point out that it is mentioned in Point No.21 of the Sale Deed attached with the Complaint that dumping garbage in apartment premises is prohibited but the Respondent Builder is not abiding to this term as well.

B. Relief sought:

4. Aggrieved by this, the Complainants sought for the following:

“My request to the authority is please order to builder to construct proper waste management facility as per Project layout and requirement at dedicated place submitted to the RERA Authority and provide relief to the applicant.”

5. Along with the said Complaint, the Complainants filed Site layout plan showing garbage pit location, copy of Sale Deed entered into between the Complainants and the Respondent Builder and photos of current garbage dump.

C. Hearing conducted:

6. That Notice dated 20.02.2023 was issued to the Respondent Builder by this Authority directing the Builder to file a Reply to the said Complaint in terms of Rule 34(1) & (2), however no response was received by this Authority. Further, Notice

dated 27.09.2023 was issued by this Authority to the Complainants as well as the Respondent Builder, directing them to appear for hearing before the Authority.

7. Accordingly, hearing was conducted on 03.10.2023, wherein the Complainants were present, and they reiterated the contents of the Complaint and prayed for the relief to be granted.

E. Observations & Directions of the Authority:

8. Clause 21 of the Sale Deed entered into between the Complainants and the Respondent Builder herein stipulates as under:

“21. The Vendees covenants not to throw any dust, rubbish, rage, waste or permit the same to be thrown in this compound or any part of the building complex which may cause damage, loss or inconvenience to other occupants of the building.”

9. This means that the Vendees, i.e., the Complainants and such other residents of the said Project – “Reliance Jubilee” have obliged to safeguard the compound from accumulating any rubbish, garbage, etc. Therefore, based on the current facts and circumstances, this Authority hereby directs the Complainants to elevate the existing dispute to the officially established Association of Apartment Owners, specifically constituted for the resolution of such matters. This Association is thereby entrusted with the responsibility of presenting the matter to the Respondent Builder, with the aim of arriving at a mutually agreeable resolution for garbage management at the Project premises.

10. Pertaining to the garbage pit's placement i.e., only location, as outlined in the Brochure, this Authority suggests that the most appropriate course of action to involve the Association of Apartment Owners to attend to the grievance of the

Complainants and to facilitate the management of waste disposal properly without causing any inconvenience to the Complainants.

11. In lieu of the above-mentioned directions, the present complaint stands disposed of. The parties are hereby informed that failure to comply with this Order shall attract Section 63 of the Act.

12. 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.



TSRERA
Sd/-
Sri Laxmi Narayana Jannu, Hon'ble Member

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

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