

2. The present Complaints have been filed by the Complainants 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 Complainants:

3. The Complainants, in Complaint No.509/2022 submit that they have purchased Flat Nos.102, 103, 202, 302, 403 and 501 in the Project titled “Sri Srinivasa Nilayam” which is being developed by the Respondent. In Complaint No.535/2022, Flat Nos.101, 201, 203 & 303 in the said Project have been purchased by the Complainants. They have filed their respective registered sale deeds in support of their contention. They submitted that the construction of the said Project is not in a good condition having the following issues:

- i. Building elevation is not proper as per brochure;
- ii. Drain connection was not properly aligned to main line;
- iii. Common area (corridor’s) tiles was not properly placed;
- iv. Inside the flat for almost every wall there is a bump due to moisture;
- v. Whichever the interior we have done was totally damaged due to moisture;
- vi. In rainy season lot of rain flowing into apartment from UPVC windows;
- vii. Deviation in plan attracting 10% extra tax;
- viii. Inside walls cannot hold curtain rod;
- ix. Unable to lodge a nail in the wall;
- x. Getting moisture into the flats from all the corners of the building;
- xi. Bathrooms are leaking from one floor to another through the slab;

- xii. Underneath floor, there is moisture;
- xiii. Compound wall in the basement not properly laid, therefore outside water creeping into parking lot; and
- xiv. Corridor railing affected with cracks.

4. In light of the said difficulties, the Complainants prayed that appropriate action may be taken against the Respondent and direct him to fix the said issues.

B. Reply on behalf of the Respondent Builder:

5. Vide Reply dated 19.10.2022, the Respondent Builder, in Complaint No.509/2022 submitted as follows:

- i. Brochure and building elevations match, with 3D view and discretion clause for minor changes.
- ii. Drain connection initially linked to septic tank, later connected to new HMWS main line.
- iii. Parking tiles replaced *Shahbad Stones*; VDF flooring on terrace done at customer request, Respondent's expense.
- iv. Flats handed semi-finished; rectified customer complaints.
- v. Windows sealed with waterproof sealant twice.
- vi. GHMC informed about 10% deviation fees for Municipal Tax Assessment.
- vii. Instructed proper use of drill machines; leakage in bathroom floors promptly rectified.
- viii. Moisture content within standards.
- ix. Basement essential for boundary wall integrity; accusations of other flat owners baseless.

C. Observations and Directions of the Authority:

6. Notices were issued for hearing and the Complainants appeared on 14.09.2023 and 12.10.2023 but Respondent did not appear as notice was returned. This Authority directed the Complainants to serve Notice of hearing upon Respondent and submit proof of the same. Accordingly, the matter was posted on 14.11.2023. As per directions, Complainant submitted proof of service of Notice upon the Respondent Builder, yet he failed to appear. Hence, he was set *ex-parte* vide Order dated 12.10.2023.

7. On the request of the Complainants and direction of the Authority to the technical staff of TS RERA, inspection was conducted on 12.12.2023 of the Project – “Sri Srinivasa Nilayam” registered with this Authority vide Regn. No.P02400000389. Vide Inspection Report, it was observed that improper workmanship has caused dampness on the walls and flooring of the bathrooms. The plastering and painting of walls are damaged with surface undulations. It was also observed that the Respondent Builder has attended few of the Complainant’s grievances such a laying of terrace flooring, replacing the flooring of parking area with parking tiles, sealed the window borders with water proofing sealant, etc.

8. Admittedly, as per Sale Deeds produced by the Complainants, the Complainants were handed over possession in August – October of 2019 and as per Section 14(3), the Complainants are entitled to claim the rectification of such defects before October 2024, i.e., 5 years from date of handover within the defect liability period. Therefore, upon consideration of

the facts and circumstances and the Inspection Report dated 12.12.2023, vide this Order, this Authority deems it fit to direct the Respondent Builder to do waterproofing for all the walls and flooring of the toilets/washrooms within 60 days and submit proof of such rectification.

9. In lieu of the above-mentioned directions, the present complaint stands disposed of. Upon the failure of the Respondent Builder to comply with the present Order, appropriate action, including imposition of penalty, will be taken as per provisions under Section 63 of the Act, 2016.

10. 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) as per 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