

Legal

By RPAD

NOTICE OF APPEARANCE

**GOVERNMENT OF TELANGANA
TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY,
DTCP Building, Ground Floor,
640, AC Guards, Masab Tank, Opp: PTI Building.
HYDERABAD.**

CC. No.C/63/2024/TS RERA,

Between:

Mr. Prasenjit Das

...Complainant(s)

And

M/s.Mehtha & Modi Realty Kowkur LLP (Promoter) & other...**Respondent(s)**

WHEREAS the complainant above named has filed the complaint against the respondent(s) for the relief prayed therein. A copy of complaint along with documents filed by the complainant is sent herewith for service upon you. The respondent is hereby directed to file counter/reply on or before **20.02.2024**.

2) The Complainant(s) and the Respondents(s) are hereby directed to present either in person or through your authorized representative / Advocate before the AUTHORITY on **13.03.2024 at 11.30 AM**.

3) In the event of non-attendance without reasonable cause, the TS RERA may proceed with the hearing based on the available information and evidence on record and a decision may be rendered accordingly.

Dated this the 13th day of February, 2024.

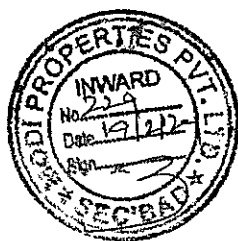

**Dy. Collector & Addl. Registrar,
TS RERA, Hyderabad.**

To, ✓

1. M/s.Mehtha & Modi Realty Kowkur LLP (Promoter), H.No. 5-4-187/3 &4, II Floor, Soham Mansion M.G. Road, Secunderabad – 500 003....**Respondent(s)**
2. Mr. Suraj Prakash Pandey, Flat No. 506, Block-B, Greewood Heights, Hislop Road, Near ARK Majestic, Kowkooor, Bolaram, Hyderabad – 500 010...**Respt.**

3. Mr. Prasenjit Das, Flat No. 506, Block – Block-B, Greewood Heights, Hislop Road, Near ARK Majestic, Kowkooor, Bolaram, Hyderabad – 500 010.

.....Complainant(s)



(1)

FORM 'M'
[See rule 34(1)]
COMPLAINT TO AUTHORITY

Complaint under section 31

For use of Regulatory Authority(s) office:

Date of filing: _____

Date of [receipt at the filing counter of the Registry / receipt by post / online filing]: _____

Complaint No.: _____

Signature: _____

Registrar: _____

TELANGANA REAL ESTATE REGULATORY AUTHORITY
DTCP Building, Ground Floor, 640, A.C. Guards, Masab Tank, Opp. PTI
Building, Hyderabad – 500 000

BETWEEN:

1. **Mr. Prasenjit Das**
Flat No-506, Block-B
Greenwood Heights
Hislop Road, Near ARK Majestic
Kowkur, Bolaram
Dist: Medchal-Malkajgiri
Hyderabad-500010
Mobile No- 9940045055
Email- prasenjitdas31@gmail.com

AND

....Complainant(s)

1. **M/s Mehta & Modi Realty Kowkur LLP (PROMOTER)**
5-4-187/3 & 4, II Floor,
Soham Mansion, M.G. Road
Secunderabad – 500003.
Email- kprasad@modiproperties.com
2. **Mr. Suraj Prakash Pandey (Owner of Flat No 706 – Block B)**
Flat No-706, Block-B
Greenwood Heights
Hislop Road, Near ARK Majestic
Kowkur, Bolaram
Dist: Medchal-Malkajgiri
Hyderabad-500010
Email: surajpp2000@yahoo.co.in

.....Respondent(s)

DETAILS OF CLAIM:

1. PARTICULARS OF THE COMPLAINANT(S):

Names of the complainants, Address of the existing residence, Address for service of all notices and contact details.

Mr.Prasenjit Das
Flat No-506, Block-B
Greenwood Heights
Hislop Road, Near ARK Majestic
Kowkooor, Bolaram
Dist: Medchal-Malkajgiri
Hyderabad-500010
Mobile No- 9940045055
Email- prasenjitdas31@gmail.com

2. PARTICULARS OF THE RESPONDENTS:

Names, addresses for services of notices and contact details of Respondents:

1. M/s Mehta & Modi Realty Kowkur LLP

5-4-187/3 & 4, II Floor,
Soham Mansion, M.G.Road
Secunderabad – 500003.
Email- kprasad@modiproperties.com

2. Mr.Suraj Prakash Pandey

Flat No-506, Block-B
Greenwood Heights
Hislop Road, Near ARK Majestic
Kowkooor, Bolaram
Dist: Medchal-Malkajgiri
Hyderabad-500010
Mobile No- ~~9940045055~~
Email- prasenjitdas31@gmail.com

3. JURISDICTION OF THE AUTHORITY:

The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority.

4. FACTS OF THE CASE:

(A) It is submitted that the Complainants are individuals who has purchased a residential Flat 506 on the fifth floor in Block no -B vide sale of agreement executed on 11th day of November 2019 and sale deed on 9th day of December 2022 in the layout developed by the Respondent (1) under the name and style of "Greenwood Height" consisting of 119 flats further comprising Block A and Block B in the layout located in Sy No-196, Hislop Road, Kowkur, Alwal Mandal, Medchal-Malkajgiri District, Secunderabad-500010 . "Greenwood Height" referred herein is a "Housing Project" registered by the respondent(1) under the provisions of RERA Act with the Telangana

State Real Estate Regulatory Authority at Hyderabad on 19.10.2019 under Registration No: P02200001314. The said "Housing Project" is ongoing and proposed to be completed by 21/09/2025.

(B) It is submitted that the Complainant took possession of the aforementioned flat on **25th February 2023** vide possession letter dated 25/02/2023(**Annexure-I**) issued by the respondent (1). After the possession, it was discovered the presence of unauthorized installation of toilet drainage pipe passing through complainant balcony which is the private space and for the exclusive use of complainant.

(C) It is submitted that Respondent (1) constructed a toilet in the portion earmarked for the balcony on the seventh floor of flat no 706 is located exactly on the top floor of complainants Flat 506 in the same block(Block-B) which is owned by Respondent (2) and the said drainage pipe from the toilet installed by respondent (1) passing through complainant balcony without any legal authorization or consent from the complainant.

(D) It is submitted that the Respondent (2) clearly admitted through an email(**Annexure-II**) dated 17th June 2023 to the complainant that he has requested respondent (1) for the construction of toilet in the portion earmarked for the balcony for which he has paid extra amount of money . The construction of additional toilet on the portion of the balcony is wholly illegal since it is deviated from the original sanctioned plan.

(E) It is submitted that Respondent (1) and Respondent (2) has made an unauthorized deviation from the original sanctioned plan and has constructed a toilet in the portion earmarked for balcony. Further, a drainage pipe from the toilet has been installed passing through complainant balcony causing him significant inconvenience and discomfort. The said drainage pipe obstructs usage and enjoyment of the property by complainant.

(F) It is submitted that Respondent (1) has furnished the sanctioned plan to the complainant that was approved by the GHMC while selling the property in which no communication of construction of additional toilet on the balcony has been given. It is further submitted that Respondent (1) constructed toilet and installed the drainage pipe after the property sold to the complainant. Therefore, it is wholly illegal and without proper authorization or consent of complainant. Such unauthorized construction constitutes trespass and interference with the exclusive rights of complainant over his property. Such unauthorized installation infringes upon the rights of complainant as the property owner and is in violation of the applicable building regulations framed

by GHMC and the Government. The installation of drainage pipe poses potential risks of leak of sewage water, damage and compromise of structural integrity, which may lead to further damages and liabilities. It not only has potential to affect the health of complainant and his family members but also violates complainant's religious sentiments. Such unauthorized construction shall poses difficulties to get the potential buyer if complainant wants to sell his flat in future.

(G) It is submitted that Section 14 of the RERA Act, 2016 mandates that all construction projects must be developed and completed by the promoter in accordance with the sanctioned plans, layout plans, and specifications approved by the competent authorities. Furthermore, any additions or alterations to the sanctioned plans, layout, and specifications require prior consent from the owner. The construction of additional toilet and installation of the drainage pipe through complainant's property is a clear violation of this section.

(H) It is further submitted that as per the National Building Code of India, 2016, all construction projects must adhere to the sanctioned plans, layout, and Specifications approved by the competent authorities. Any additions or alterations to these plans and specifications require the prior consent of the owner. The installation of the drainage pipe through complainant's property is a violation of these regulations. Additionally, the National Building Code specifies that all pipes carrying waste water to a drain should be taken through the external wall of the building by the shortest practical line. In light of this, the current construction, which passes through complainant's balcony instead of the external wall, further violates complainant's property rights. Moreover, the drainage pipe poses significant threats to complainant's health, peaceful use of his property and the environment.

(I) It is further submitted the above case fact was brought to the notice of Respondent(1) and Respondent(2) through legal notice dated 30.05.2023 is enclosed in **Annexure-III**

5. RELIEF(S) SOUGHT:

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s):

- 1) Removal of the unauthorized drainage pipe passing through complainant's balcony.
- 2) Demolition of the toilet that has been constructed against the sanctioned plan.
- 3) Restoration of the affected areas to their original condition, and ensure no damage is caused during the removal process

4) Adherence to the original plan as sanctioned by GHMC

5) Compensation of Rs.50,000/- towards legal expenditure, hurting religious sentiment and wasting valuable time.

6) Pass such other order or orders as this Hon'ble Authority may deem fit and proper in the circumstances of the case.

6. INTERIM ORDER: Not Applicable

7. COMPLAINT PENDING WITH ANY OTHER COURT, ETC.: NIL

8. PARTICULARS OF DEMAND DRAFT IN RESPECT OF THE FEE IN TERMS OF SUB-RULE (1) OF RULE 34:

(i) Amount :Rs

(ii) Name of the bank on which drawn :

9. LIST OF ENCLOSURES:

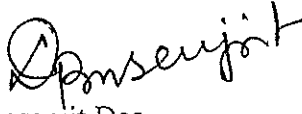
(i) Copies of the documents relied upon by the complainant and referred to in by the complaint

Index of documents

S. No	Document	Annexure Details	Page No.
1	Annexure-I	Possession letter	7
2	Annexure-II	Email from Mr.Suraj Prakash Pandey(Respondent 2)	9
3	Annexure-III	Legal Notice	11-25 11-25
4	Annexure-IV	Sale of Agreement	27-45
5	Annexure-V	Photo of toilet pipe	47
6	Annexure-VI	Sanctioned Plan	49-63

VERIFICATION

I the following verify that the contents of paragraphs 1 to 9 are true to my personal knowledge and belief and that I have not suppressed any material fact(s).


Prasenjit Das

Place: Hyderabad

Date: 17/01/2024

SIGNATURE OF THE COMPLAINANT(S)