

BEFORE THE TELANGANA STATE REAL ESTATE
REGULATORY AUTHORITY DTCP BUILDING, GROUND
FLOOR, 640, AC GUARDS, MASAB TANK, OPP; PTI
BUILDING AT: HYDERABAD

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

Between:

Mr.Prasenjit Das

..Complainant

And

M/s Mehta & Modi Realty Kowkooor LLP (Promotor)
& Another

..Respondents

WRITTEN SUBMISSIONS FILED ON BEHALF OF RESPONDENT No.1

1. It is humbly submitted that we had gone through the allegations and averments mentioned in the complaint and the same are denied except those specifically admitted herein. The complaint is not maintainable either on facts or on law and the same is filed with false and frivolous allegations as such the complaint is liable to be dismissed with exemplary costs.
2. The Respondents is a reputed developer and having 30 + years of experience in the construction of houses and flats in and around twin cities of Hyderabad and Secunderabad.
3. It is submitted that by way of letter dated 29-12-2022 this respondent has been informed to the complainant that the flat was ready for possession. The complainant has inspected the flat and requested the respondent for certain corrections by way of email

For MEHTA & MODI REALTY KOWKUR LLP


Partner

dated 30th January, 2023. Further the complainant has sent another list of corrections by email dated 24th February, 2023.

4. It is submitted that by December 2022 the work of Flat No. B -706 was fully completed. The civil work of Flat No. B-606 was completed, however the finishing works were not taken up as the flat was unsold. The pipe line which the complainant is referring in the present complaint was already in existence in his flat in December 2022.
5. It is submitted that the Complainant took possession of his flat by way of possession letter dated 25-2-2023. The Complainant has further signed a letter of confirmation wherein he has clearly confirmed in point No.4, " We have no claim of whatsoever nature against the developer. As per point No.6 it is also confirmed by the complainant that we have no objection to any development being carried out by the developer in and around the said flat. Further in point No.7 it is also confirmed by the complainant that we have no objection to change in design of the housing project including other flat or blocks of flats.
6. It is submitted that the complainant has raised objection about the sewage pipe passing through the balcony of his flat for the first time on 22nd March, 2023, almost a month after taking possession of the flat.
7. It is submitted that the complainant issued a legal notice dated 30.05.2023 through his advocate for which this respondent have given a befitting reply dated 21.06.2023.
8. It is submitted that Greenwood Heights is a 'group housing scheme' as per permit received from statutory authorities. Moreover it's a group housing scheme consisting of 119

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apartments with 2 basements for parking and 7 upper floors. Such a group housing scheme necessarily has several common amenities and facilities for the joint use of its occupants. They cannot be separated nor can they be made for exclusive use.

9. It is submitted that the Storm water pipes, sewage pipes, water supply pipes cannot be made for exclusive use. Water supply, storm water pipe, sewage pipes in an apartment complex/ group housing scheme are provided by way of a common infrastructure. They necessarily have to crisscross through out the complex which includes common areas like passages, terrace, external walls of flats along the internal walls of flats, from the ceiling of bathroom and utility areas, basement floors, setback areas, etc. It is impossible to provide exclusive pipelines for each flat that do not pass through other areas of the housing complex.
10. It is further submitted that the sewage lines of the flat above each flat are passing through the roof of the flat below it (Copy of photo enclosed). This is by design and the most common practice. Similarly, several sewage and water supply lines are passing through the utility area of all the flats. The storm water line to drain out the water from each balcony is passing through the balconies on all the floors. Strangely, the complainant is objecting to the sewage line passing through the balcony but has no objection to storm water line passing through his balcony next to the sewage line. (Copy of photographs are attached).
11. It is submitted that this Respondent on several occasions offered the complainant to enclosed the sewage pipe with granite on all 3 sides to make it 100% water proof/leak proof, which is already done to other flats in the same row of building (Copy of photo enclosed). However, the complainant has not agreed to the same.

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Partner

12. It is submitted that the Construction is completed according to the permit plans (Copy of plans are enclosed). There is no unauthorized construction or deviation is done by this Respondent. For the kind satisfaction of your respected authority we request you to appoint a technical person who can inspect the site and can give a report on it.

The entire allegations of the complaint and the pleadings are made without there being any basis for filing the Complaint. The Complainant made baseless allegations against the Respondent and approached this authority with unclean hands with an intention to gain unlawfully and also to harass this Respondent, Therefore we request your respected authority to dismiss the present complaint with exemplary costs.

Date: 13.03.2024
Place: Secunderabad

For MEHTA & MODI REALTY KOWKUR LLP

Partner

Respondent No.1