

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

C.C.NO. 75 OF 2024/TG RERA.
&
C.C.NO. 82 OF 2024/TG RERA.

BETWEEN:

1. Matam Parameshwar S/o.Chen Mallaiah, Age: 59 years,
Occ: Business, R/o.Miryalaguda town and Mandal,
Nalgonda District.
2. P.Gurumurthy S/o.Anthaiah, Age: 59 years, Occ:
Business, R/o.Miryalaguda town and Mandal, Nalgonda
District.

...Complainants.

AND

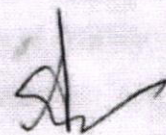
Modi Realty (Miryalaguda) LLP Secunderabad.

....Respondent.

ADDITIONAL REJOINDER FILED BY
THE COMPLAINANTS TO THE COUNTER OF THE RESPONDENT.

I, Matam Parameshwar S/o.Chen Mallaiah, Age: 59 years, Occ:
Business, R/o.Miryalaguda town and Mandal, Nalgonda District having
been temporarily coming down to Hyderabad, do hereby state on oath
as follows:

01. I submit that I am the complainant in C.C.No.75/2024 and the
owner of the Villa No.30, which is constructed by the Respondent at
AVR Gulmohar Homes at Miryalaguda, Nalgonda District. In this
regard, one of the Villa owner Sri P.Gurumurthy, filed the complaint
vide Case No.82/2024 with similar contentions and in both the matters
on the last occasion we reported to the office to club both the cases
arise under common cause of action. As such, this counter may be
treated in the case No.82/2024 also.



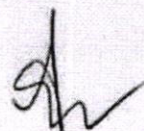
02. I submit that I have raised the (11) contentions before this authority, seeking the relief against the respondent who is under legal obligation being a developer to provide the enmities to the inmates, in this regard, the respondent filed the written submissions before this authority. I have gone through the contents of the written objections filed by the respondent understood the same and submitting as follows:

03. I further submit that the respondent filed the reply for the point No.1; **underground drainage system**. The respondent denied my contention regarding the leakage and bad-smell and he further contented that the waste water is properly treated as per PCB norms(copy of the report enclosed).

But in fact, no such sample was taken in the presence of inmates and the behind back of the inmates the sample was placed denying the relief to the petitioner.

04. In reply to point No.2, it is contended by the respondent, **internal drainage connection to main drain** - local bodies are objecting to the said connection. The issue was brought to the notice of Commissioner, Miryalaguda municipality by way of representation. It is further contended it is the responsibility of DTCP or local authorities to provide drainage link.

But in fact, there is no such local body objected the action of the respondent in taking precautionary measures to connect the drainage to the main drain. In fact, there is no drainage system in the said locality, but it is the duty of the respondent-builder to drain out the waste water by making suitable arrangements till the regular drainage system is developed by the local bodies, no such attempt was made by the respondent and simply he constructed a Tank in which the waste



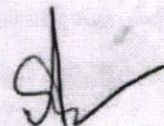
water is stored and there was no out-flow from the Tank in view of its designing below the ground level. The very designing of tank is un-technical for the ease out the water from the septic tank, which patently illegal, is to be rectified.

05. In reply to Para No.3, **regarding the public park;** the contention of the respondent the public park is a buffer zone, it cannot be developed. It is left as a green area.

But as per the broacher furnished by this respondent at the time of purchase agreement, it is not mentioned it is under buffer zone and the broacher is misguiding factor, for which, the respondent is legally liable. Further, as per the broacher indicates that **vehicle access control with smart card** and the respondent knowingly well gate was erected at buffer zone without providing vehicle access control with smart card. It is well aware of the fact that the said area was under buffer zone, how he will assured the inmates with false promises, for which, he is also liable.

06. In reply to Para No.4 the entire Miryalaguda town is provided with Sagar water, but in respondent's project no such water facility is provided. It is the duty of the respondent to provide water facility from the municipal connection as the entire city is connected with Nagarjunasagar water.

07. In reply to Para No.5 **regarding the Generator back up;** there are 91 villas, out of which, 49 are occupied and as per the broacher, the respondent promised 1KVA back up power for each village and 8KVA for common amenities and there is no dispute the said power is as per the broacher.



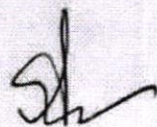
But in fact, the explanation offered by the respondent, the power requirement at present is 49.5 KVA. It may be a fact as per the present consumption, but in fact, he has to provide total 99KVA to the entire project or generator back up. He cannot escape the liability on false grounds.

08. In reply to Para No.6 **regarding the fencing**; as per the Municipal proceedings No.G/2941/MM/2016-16-17, Dt.03-02-2017, in page No.3 the point No.7(9) "construction of low height compound wall with iron grill with open spaces". But the respondent has not erected the fencing as per the municipal norms. In the northern side of the project, no such erections were made, the respondent has to complete the erection not yet done.

In fact, he contended the area is under CC TV coverage, which is not the condition stipulated by the municipal authorities.

09. In reply to Para No.7 it is contended by the respondent the display of layout plan was already made in the project. In fact, no such display was made at the project site or at entry gate. He displayed a photo in his office, it is not access to all public.

10. In reply to Para No.8 **regarding the compound wall** - He denied the allegation of the petitioner. In fact, the project was constructed in wet agricultural lands in Nagarjunasagar project localized area. The surrounding area is in full of water as the farmers are cultivating the paddy crops. The respondent constructed the compound wall erecting pillars support with the gap of **10 feet** with plinth beam between the ground level and above the pillar 1 to one and half feet. To protect the premises after erection of the compound wall, the respondent filled with gap with loose soil without proper concrete, that too, inside the premises without taking steps at the



outside of the wall. In the rainy season due to inflow of water from the surrounding agricultural fields, the loose soil is washed away leaving the gap between the plinth beam and ground level, which causing entry of snakes, rats and other dangerous animals. So, the respondent is under obligation to fill the gap between the ground and plinth beam with concrete to avoid the entry of such animals.

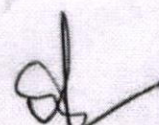
11. In reply to Para No.9 and 10 **plantation of trees and Amenities**, it is contended by the respondent that he planted the trees as per DTPC Norms. But in fact, the respondent laid the underground pipe lines beside the road give the connection to the drainage, water and electricity and filled the pipe line with soil. While plantation, the respondent choose to plant the trees above the pipe lines, which indirectly causes damage to the underground pipe lines, he ought to have planted the trees by digging the pits separately. To avoid labour charges, he choose to plant the trees over the pipe line where loose soil is available. That has to be rectified by the respondent.

12. In reply to Para No.11, he further contended that the allegations made by the petitioner false and baseless and he denied the liability and pleaded to dismiss the petition.

The petitioners humbly submit that considering the **additional facts** this authority has got ample powers to direct the respondent to discharge his legal obligation to provide the amenities as promised by him as per broacher and as per the municipal permissions;

ADDITIONAL GROUNDS:

01. It is submitted that the respondent filed the counter without owning legal and moral responsibility being a builder.

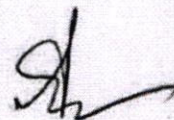


02. I further submit that there are technical issues regarding the operation of power and generator back up to ascertain the real facts with required scientific investigation.

03. It is further submit that in the counter regarding the compound wall, the respondent contended that he discharged the responsibility. But in fact, it is their as it is we claimed in our complaint, as such, unless and until a physical verification made by third party, it cannot be concluded that the full-fledged compound wall erected around the villa project.

04. It is further submit that regarding the provision of septic Tank and drainage water as per the counter filed by the respondent stated that he complied the Septic Tank as per the DTPC/Municipal norms. But in fact, the Tank built by the respondent not sufficient to store the waste water utilized by the entire community. It is disputed by the respondent that the local bodies are objected the respondent that to clear the drainage water through Tank. But in fact, the tank was not designed to the floor level. Comparatively, the tank is low level from the ground level, as such, it is required pumping of water through electrical pump, which is unwarranted for the project. In fact, if the tank is designed above the ground level, this problem would not be arised and it cannot be resolved without reconstruction or renovation of tank above the ground level, then only the excess water will be flow into the drainage or any other storage point, for which also to ascertain the real facts a third person objection is required.

05. It is further submitted that the respondent authority stopped the facilities, such as, generator support and drinking water and also house keeping facility on the pretext that some of the villa owners not

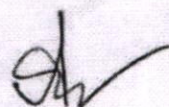


paying the maintenance charges, which is illegal and it is the responsibility of respondent till project is handed over to the villa owners. It is also further contending by the respondent that he formed the association with the villa owners with Registration No.496/2021, but in fact, the association includes his men and his office staff with the name and style of AVR Gulmohar Homes Welfare Association, except the land owner there is no other villa owners in the said association.

06. It is submitted that it is the complaint of all the villa owners that plumbing works in the villas not fitted with suitable material, causing leakage of water in the walls causing dampness (wetness), which is causing unhappy for the inmates in view of using of sub-standard material, frequent leakage pilferage of water causing dampness. In the rainy season, this dampness problem is increasing and if the suitable material is used, this issue would have been prevented. In spite of the complaint, the respondent authorities not evincing any interest to resolve the issue.

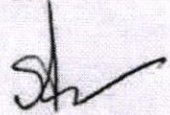
07. It is further submit that the respondent collected the GST at the rate of 18% from the Villa owners, not provided any receipts, as such, this Hon'ble Authority may be directed the respondent authority to furnish the account books regarding the payment of GST.

08. It is further submitted that to ascertain all these facts brought to the notice of this Authority, the petitioner is advised to take steps to file a separate petition seeking the relief of appointment of an Advocate-Commissioner to inspect the project under video coverage to bring the real facts to the notice of this Authority inviting the grievances from the inmates, to come to fair conclusion and to pass appropriate orders by this authority.



In view of the above facts and circumstances of the case, the Hon'ble Authority may be pleased to pass appropriate orders, in the interest of justice.

PETITIONER



MATAM PARAMESHWAR

VERIFICATION:

The above named deponent sworn and
Signed before me on this the 30th day of
July, 2024 at Hyderabad.



ADVOCATE

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

C.C.NO. 75 OF 2024/TG RERA.

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C.C.NO. 82 OF 2024/TG RERA.

BETWEEN:

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2. P.Gurumurthy.

...Complainants.

AND

Modi Realty (Miryalaguda) LLP
Secunderabad.

....Respondent/
Respondent.

**ADDITIONAL REJOINDER FILED BY
THE COMPLAINANTS TO THE
COUNTER OF THE RESPONDENT.**

Filed on: 30-07-2024.

Filed by: Counsel for the Petitioners.

:: ADDRESS FOR SERVICE ::

K. Prathap Reddy
**UPPALA SRINIVAS,
R.SUDARSHAN.
ADVOCATES,
HYDERABAD.**

C.C. 75 & 84/2024 (2 corey)
(For inspection)
next dt.
(mudi Realty
minyolguda) → 5/9/2024

C.C. 06/2024 & C.C. 05/2024
next dt
(MRGw)

CC. 63/2024
orders reviewed.

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

**I.A.NO. OF 2024
IN
C.C.NO. 75 OF 2024/TG RERA.**

BETWEEN:

Matam Parameshwar S/o.Chen Mallaiah, Age: 59 years,
Occ: Business, R/o.Miryalaguda town and Mandal,
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...Petitioner/Complainant.

AND

Modi Realty (Miryalaguda) LLP Secunderabad.

....Respondent/Respondent.

:: AFFIDAVIT ::

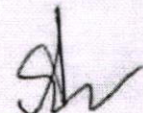
I, Matam Parameshwar S/o.Chen Mallaiah, Age: 59 years, Occ: Business, R/o.Miryalaguda town and Mandal, Nalgonda District having been temporarily coming down to Hyderabad, do hereby state on oath as follows:

01. I submit that I am the deponent herein and the complainant in the above case and the owner of the Villa No.30, which is constructed by the Respondent at AVR Gulmohar Homes at Miryalaguda, Nalgonda District, as such, I am well acquainted with the facts of the case.

02. I respectfully submit that I have filed the complaint raising certain grievances against the respondent in failing to prove the facilities in the AVR Gulmohar Homes at Miryalaguda.

03. I respectfully submit that the respondent denying the contentions, filed the counter before this authority on the last date of hearing. I have gone through the contents of counter filed by the respondent and I filed the rejoinder explaining all the facts in detail to seek the relief from this authority.

04. I respectfully submit that as per the petitioners contention, there are several latches on the part of the respondent with regard to provision of facilities and also providing appropriate facilities, which are not ascertained on basing of the pleadings and it is required a scientific investigation by appointing an Advocate-Commissioner to bring the facts to the notice of the authority under Video coverage, then only the real facts would come to the notice of this Hon'ble Authority.

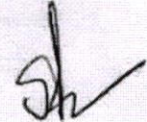


05. It is submitted that the authority though it is not a Civil Court has got ample powers to appoint an Advocate-Commissioner at the costs of the petitioner to bring the real facts to pass appropriate orders on the complaint and also to do justice to the inmates in the villa project.

06. It is submitted that the respondent collected the GST, but not issued any receipts and kept the all the villa owners in the Dark, whether the Tax collected by the respondent accounted to the Government, it has to be ascertained.

Therefore, it is just and necessary to appoint an Advocate-Commissioner visit the AVR Gulmohar Homes, Miryalaguda town and Mandal, Nalgonda District to record the facts through Video coverage and also note down the grievances from the inmates and also to make local investigation and also seize the account books to ascertain the payment of GST to the Government, in the interest of justice. That the petitioners are ready to deposit the legal fee to the Advocate-Commissioner.

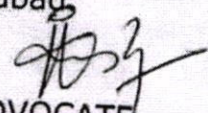
The above facts are true and correct. Hence this affidavit.



DEPONENT

VERIFICATION:

The above named deponent sworn and signed before me on this the 30th day of July, 2024 at Hyderabad.


ADVOCATE

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

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...Petitioner/Complainant.

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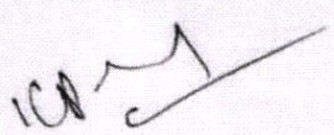
....Respondent/Respondent.

**PETITION FILED UNDER SECTION 35 OF RERA ACT OF 2016
READ WITH ORDER XXVI RULE-9 AND SEC.151 OF CIVIL
PROCEDURE CODE**

For the reasons stated in the accompanying affidavit, the Hon'ble Authority may be pleased to appoint an Advocate-Commissioner visit the AVR Gulmohar Homes, Miryalaguda town and Mandal, Nalgonda District to record the facts through Video coverage and also note down the grievances from the inmates and also to make local investigation and also seize the account books to ascertain the payment of GST to the Government, in the interest of justice.

Place: Hyderabad.

Date: 30-07-2024.


COUNSEL FOR THE PETITIONER



**BEFORE THE TELANGANA STATE
REAL ESTATE REGULATORY
AUTHORITY, DTCP BUILDING,
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Secunderabad.**

**....Respondent/
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**PETITION FILED UNDER SECTION 35
OF RERA ACT OF 2016 READ WITH
ORDER XXVI RULE-9 AND SEC.151 OF
CIVIL PROCEDURE CODE**

Filed on: 30-07-2024.

Filed by: Counsel for the Petitioner.

:: ADDRESS FOR SERVICE ::

**K. Praveen Reddy
UPPALA SRINIVAS,
R.SUDARSHAN.
ADVOCATES,
HYDERABAD.**