



**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008**

[Under the Real Estate (Regulation and Development) Act, 2016]

C.No.012/2023

17th day of August, 2023

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

Mr. S.V.Sundar Rajan. Complainant

Versus

The Managing Director
M/s. KSM Nirman Pvt. Ltd.Respondent

The above complaint came up for final hearing before this Authority in the presence of the Complainant party in person and of M/s. Fox Mandal & Associates – Counsel for Respondent. This Authority passes the following order:

FINAL ORDER

The Complainant has prayed in the Complaint for direction to the Respondent Promoter to rectify the seepage and leakage problems in his apartment bearing No.A8-4B in the project "Olympia Grande" at Pallavaram developed by the Respondent Promoter.

2. In the Counter Statement, the Respondent Promoter has submitted that the apartment was handed over to the Complainant Allottee on 26.02.2016 and therefore, the five year defect liability period as per Section 14(3) of the Act, has expired on 25.02.2021.

3. In the written submission of arguments, the Complainant Allottee has stated that within one year of taking over possession of the apartment, the water leakages started one by one in the master bed room ceiling and in the toilet ceiling. The Complainant has also stated that this can be rectified only through upper floor flat toilet. The Complainant has also enclosed the copies of photographs of the seepage and leakage along with written arguments.

4. The Respondent Promoter has stated in their written submission of arguments that the leakage of water in the ceiling is only due to the non maintenance of the toilet grouting in the flat above the Complainant's apartment and the re-grouting of bathroom tile is a part of routine maintenance activity which has to be carried out by the respective apartment owners.

5. This Authority does not accept the above contention of the Respondent Promoter that the toilet grouting is routine maintenance activity.

6. It is seen from the Complaint that the Complainant Allottee has brought to the notice of the promoter the issue of seepage and leakage and that the engineers of the promoter have visited the Complainant's flat

and noted the issues of water leakage and assured to rectify the same. However, the promoter has not rectified the leakage so far.

7. As the seepage and leakage issue seems to be a common issue in this real estate project as has been noticed by this Authority in a number of Complaints filed by the Complainant Allottees of this real estate project, this Authority directs the Respondent Promoter to rectify the leakage and seepage issues in the Complainant's apartment before 30.09.2023 and file a compliance Affidavit before 15.10.2023.

8. With the above direction, this Complaint is disposed of.

Sd/-...17.08.2023

MEMBER (M), TNRERA

Sd/-...17.08.2023

MEMBER (J), TNRERA

Sd/-...17.08.2023

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N.  17/8/2023
ADMINISTRATIVE OFFICER

17-8-23