



**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.008/2023
17th day of August, 2023**

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

Mr. S.Ramanujam Complainants
Mrs. Dhanalakshmi Ramanujam

Versus

The Managing Director
M/s. KSM Nirman (Chennai) 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 Allottee has prayed in the Complaint for rectification of the seepage and leakage issues in his Apartment No.B2-6A

in the project "Olympia Grande" at Pallavaram, Chennai promoter by the Respondent Promoter M/s. KSM Nirman (Chennai) Pvt. Ltd.

2. The Complainant has also enclosed the copy of the e-mail dated 29.12.2022 wherein the Complainant has stated that he has brought to the notice of the employees of the Respondent Promoter in early 2015 and the employees of the Respondent Promoter had said that they will correct it, but have not done so far.

3. In the Counter Statement, the Respondent Promoter has submitted that the apartment was handed over to the Complainant Allottee on 12.12.2014 and therefore, the defect liability period of five years as per Section 14(3) of the Act expired on 24.07.2019 and hence the Complaint is barred by limitation.

4. The Authority does not accept the contention of the Respondent Promoter, since five year defect liability period commences from 12.12.2014 the date on which the apartment was handed over to the Complainant Allottee and ends on 11.12.2019.

5. In as much the Complainant Allottee has brought to the notice of the Respondent Promoter in 2015 itself and further sent an e-mail dated 14.10.2018 (copy enclosed along with written submission of arguments by the Complainant), this Authority holds that the Allottee had brought to the notice of the Respondent Promoter within five year period from the date of taking over possession of the apartment and the Respondent Promoter is bound to rectify the seepage and leakage issues within one month from

the date of intimation from the Complainant Allottee without further charges.

6. Accordingly, this Authority directs the Respondent Promoter to rectify the leakage and seepage issues in the Complainant's apartment before 30.09.2023 without any further charges on the Complainant Allottee and file a compliance Affidavit before 15.10.2023.

7. With the above findings and 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. Prasad
17/8/2023
ADMINISTRATIVE OFFICER

17.8.23