



PRESTIGE BELLA VISTA FLAT OWNERS WELFARE ASSOCIATION - PBVFOWA

RERA Case Filed C. No. 143 of 2022 – Details.

Gist:

- a) Petition for RERA submitted to Legal Counsel on 14-10-2022
- b) Form M admitted by RERA and first hearing was scheduled on 07-12-2022
- c) PEPL has filed a counter in January 2023
- d) PBVFOWA have filed a rejoinder on 31st Jan 2023
- e) PBVFOWA have also additional points as Interlocutory petition in Feb 2023

Next hearing date awaited

Issues taken up with RERA

- 1) Completion Certificate not obtained. Due to which Promoter is not entitled to collect maintenance charges from the residents. However, they have been collecting the same and have also been demanding at increased rates, contrary to the agreed terms. Therefore, the Promoter is bound to refund the maintenance charges collected from the residents till date and to expedite the process of obtaining the Completion Certificate, in order to enable smooth handing over the complex to the Association along with the necessary documents, Corpus Fund with interest etc.,
- 2) The approved site plan has provided for 2215 car park spaces only. However there has been a blatant violation and encroachment of roads inside the complex and pedestrian pathway etc., by allotting car parking spaces, affecting the smooth movement of traffic and violating clearance conditions. Promoter has not come forward to disclose the details of total number of approved/allotted/sold car park spaces till date.
- 3) Adequate provision for safe drinking water has not been made. The existing supply has also been obtained under the Industrial supply head thereby costing far higher than residential supply rates. It is not known as to why industrial supply has been obtained when residential supply is much cheaper. This is also contrary to and in violation of the statutory clearances.
- 4) Non provision of Reverse Osmosis Treatment Technology, in violation to the Environment Clearance
- 5) Adequate DG sets for emergency power back up have not been made available. Hundreds of ACCL units failed have not been replaced.
- 6) Illegal conversion of open spaces to car parks, adjacent to piped gas banks, on Bridges over CMWSSB water pipeline areas, on the set back areas, on the Loading and unloading areas for materials in basements and in fire safety assembly areas, in violation of green belt design in terms of the EIA clearance.
- 7) Non installation of adequate Solar energy panels, for common area lighting.
- 8) Failure to establish Environment Management Cell in the residential project.
- 9) Insufficient Garden/Green Belt.
- 10) Inadequate sewage disposal, contrary to the consent.
- 11) Not obtaining authorization for disposal of hazardous waste generated in the complex.

Prestige Bella Vista Flat Owners Welfare Association

Registered with Serial No. 321 of Year 2013, under Section 10 of the Tamil Nadu Societies Registration Act, 1975
Tower 15B, Ground Floor, Prestige Bella Vista, Ayyappanthangal, Chennai – 600056
www.prestige-bella-vista.com



- 12) Inadequate organic waste convertor. The approval/clearance has mandated setting up of organic waste convertor to cater for 4 tons biodegradable waste into manure. However, the project is installed with a compost machine of only 750 Kgs, which also takes 6 to 7 days to convert waste. As such the actual capacity comes down to 100 Kg a day, against the mandated capacity of 4 Tons a day. This results in huge outflow to Vendors to remove the wet waste.
- 13) Unresolved civil seepage issues across 1000 or more units including common areas (details can be provided).
- 14) Maintenance issues resulting in poor environment and low living standards.
- 15) Not providing Visitors car park contrary to the norms.
- 16) Allotting car parks in pathways, right in front of electric control panels, transformer yards etc.,
- 17) Not allotting car park spaces to huge number of allottees despite sale in their favour.
- 18) Forcing Multi Level Car Parking the residents, which is not part of the approved plans and even sold car parks against the same to customers. The MLCP would be a burden on the residents in the long run and also result in noise and loss of green area.
- 19) Not obtaining NOC for Swimming Pools.
- 20) Not deploying sufficient resources or funds for the maintenance of the huge complex resulting in the project infrastructure getting damaged and the living conditions becoming very dire and very difficult.
- 21) Heavy water seepage in Basements and apartments. Due to very poor and improper workmanship, the seepage issue has become recurring problem. Water pouring/dropping from the roof is rampant in hundreds of Flats Basements get flooded even with small amount of rains, no water proofing of external walls or in the roofs resulting in heavy seepages.
- 22) Broken Roads, broken pavements, non-existent shoulder to the roads, broken speed breakers, broken and dumped sign boards. All never repaired or replaced.
- 23) Unfinished and broken floors in the basements, broken steps, and broken walking ramps to tower access doors in the basements, coupled with broken walls and roofs in the Basements.
- 24) The plumbing and electrical shafts in towers, right from 16th floor to the basements are with broken concrete and leftover project dump still remaining in them. All the shafts are full of seepages and emanate foul smell. The pipes are hanging dangerously with rusted supporting clamps which are of very poor design and quality. Many towers are suffering from broken pipes, disrupting daily life. The shafts have never been maintained/checked/painted. Shaft seepage is never attended, and only emergency breakdown maintenance are being done.
- 25) All staircases are with broken walls, broken steps and with seepages unattended.
- 26) The transformer yard is with wild growth, broken fences, Broken earthing pits.
- 27) Heavy seepages in DG yards which have broken floors.
- 28) Earth Pits are broken, poorly maintained and remain hazardous to residents.
- 29) Most piped gas banks look like temporary yards without any safety boards, signage, unsafe and unmarked gas pipeline routings all over the project area, including basements and the safety control valves and meters dangerously fitted right above the cars in parking spaces.
- 30) Tower inner driveways are with broken paver blocks, mostly broken due to the expansion joint and other civil works, but never replaced or repaired by the project team, making these pathways uneven and dangerous for pedestrians.
- 31) The equipment in the kids play area, fitness garden etc., are broken and in dumped condition.
- 32) Failure to install solar lighting to the common area lighting as mandated by the EC conditions, has increased the electricity consumption charges, since this usage is charged at commercial rates by the TNEB, and this higher cost is paid out of the maintenance charges which is a loss to the community.



- 33) Due to the poor maintenance the basements have become unusable. Ruined floors and 1000s of broken gratings damage the car tyers. Accessibility of parking lots by senior citizens and ladies has become difficult due to water seepage and stagnation of water all around making it a breeding ground for the rats. Many cars get damaged by the rats, repeatedly/
- 34) Non availability of CC has rendered further sales by owners, even during an emergency, very difficult and at times at a loss.
- 35) Due to poor and NIL preventive maintenance, most of the facilities described above have almost reached their respective end of life and are due to REPLACEMENT as they are not maintainable.
- 36) Failure to renew and/or obtain CTO from the TNPCB
- 37) Project is not installed with adequate CCTV coverage. Further, the Promoter has considerably reduced security resources which has resulted in many incidents (Including instances of vandalism of vehicles) and compromised the security and safety of the residents including the elderly, women and children. Owners have started spending their personal money to install CCTV cams in common areas.
- 38) Permission from competent authority for reticulated gas supply system satisfying the necessary safety standards and statutory guidelines not obtained/shared.
- 39) Inadequately designed water treatment supply infrastructure resulting in poor quality of water with frequent damages and breakdowns of pipelines.
- 40) The STP system provided to evacuate the obnoxious Gases produced as an outcome of the MBRR process is inadequately designed & poorly operated endangering lives of many.
- 41) Promoter has provided regular metal gratings in trenches instead of providing Electro Forged Steel Grating, which is more durable.
- 42) Promoter has not provided Disabled friendly Parking provisions in Surface and Disabled friendly clubhouse amenities.

Additional added Separately.

- a) Pending disposal of the main Complaint, direct the Respondent to fully comply to all statutory norms and provide all compliance documentation, proof of current EC, EAC Clearances for all blocks, (20 Blocks/33 Towers, with 2613 houses) before handing over the maintenance of the Project.
- b) Pending disposal of the main Complaint, issue Subpeona/Notice to the Chief Engineer, CMWSSB, calling upon him to file an Affidavit, disclosing the details of existing connection provided to the project known as "Prestige Bella Vista", at Ayyapanthangal Village, Mount Poonamallee Road, Chennai 600 056 and the procedure and cost for converting the water supply connection to the said project into a domestic usage one.
- c) Pending disposal of the main Complaint, direct the Respondent to complete the process of converting/transferring the water supply connection to the project known as "Prestige Bella Vista", at Ayyapanthangal Village, Mount Poonamallee Road, Chennai 600 056 into a domestic usage one by incurring the necessary expenditure in that regard before handing over the maintenance to the Complainant Association AND THUS RENDER JUSTICE.