BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate Regulation And Development Act 2016)

Reserved on: 11.08.2023
Delivered on: 21.08.2023

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.R.Padmanabhan, Judicial Member

Appeal No.49 of 2023

M/s.Navin's Housing and Properties Pvt. Ltd.
Rep. by its Authorized Signatory,
N.Kalyanaraman ... Appellant

- Vs -

G.Ramamoorthy ... Respondent

Prayer: Appeal filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the order passed by the learned Single Member, TNRERA in C.No.81/2022 dated 09.12.2022.

For Appellant : Mr.O.L.V.Ganesan

Respondent : Mr.G.Ramamoorty (Party-in-person)

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ORDER

The brief facts that are relevant for the disposal of the above appeal are as follows:

1. The appellant is the promoter and the respondent is the allottee. The respondent preferred a complaint before the TNRERA with a simple prayer to direct the promoter to re-lay few floor tiles in the combined toilet and bathroom with proper slope towards the drain hole so as to ensure that there is no water stagnation in the toilet area.

2. It is the case of the appellant/promoter that the combined bathroom and toilet provided in the entire project are designed by adopting the concept of wet and dry toilets. In this concept, the toilet area will be normally dry to avoid slippage. A person who wants to use the toilet area need not step into the bath area, as it will be normally wet. To maintain hygiene and to prevent accidental fall, such type of wet and dry toilets are being provided in the project.

3. After hearing both sides, the learned Single Member, TNRERA vide the impugned order directed the appellant to rectify the defects in the workmanship in the toilet area within 30 days. Aggrieved over the same, the promoter has preferred this appeal before this Tribunal.

4. Heard both sides.

5. The only grievance of the respondent/complainant is that there is water stagnation in the toilet area, to say otherwise in the dry area. As rightly pointed out by the learned Single Member, TNRERA, there are two drain holes found in the combined bathroom attached with toilet. One drain hole found in a corner of the dry area and another drain hole found in another corner of the wet area. As the dry area i.e., toilet area lies

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adjacent to the entrance, one can walk towards the wet area by stepping through the dry area. Here the grievance of the respondent/complainant is that the splash water from the bath area is not flowing down towards the drain hole provided in a corner of the dry area, instead stagnating over the dry area. Due to such stagnation of water in the dry area, the respondent/complainant apprehends that there is every possibility of slipping. The respondent/complainant is simply requesting the appellant/promoter to re-lay some of the floor tiles in the dry area by providing a slope towards the drain hole, so that there will not be any water stagnation in the dry area.

6. We have carefully perused the photographs of the combined bathroom attached with toilet, produced by both the parties during the course of arguments. As rightly pointed out by the learned Single Member, TNRERA, the existence of two drain holes could be seen. Inspite of two drain holes provided with lids, the splash water is said to be stagnated there in the dry area. Since the dry area i.e., toilet area lies adjacent to the entrance, one can walk into or walk out from the wet area by stepping through the dry area. If water is stagnant over the dry area, there is every possibility of slipping. This problem would arise due to poor laying of the tiles over the dry area. Because of the said poor laying, the dry area, remains wet posing slipping threat to the users.

7. The apprehension of the respondent/complainant that there is every possibility of falling down due to slipping cannot be simply ignored. The total area of the combined bathroom attached with toilet would be around 25 square feet approximately. The dry area, where rectification is required, is just half of the total bathroom area i.e., 15 square feet

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approximately. The problem of water stagnation can be rectified by spending a megre amount. We do not find any ground to interfere with the order passed by the learned Single Member, TNRERA, hence the appeal is liable to be dismissed.

8. Accordingly, the appeal is dismissed. Connected Miscellaneous applications pending, if any, are closed.

Sd.XXXX
CHAIRPERSON

Sd.XXXX
JUDICIAL MEMBER

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