

REAL ESTATE REGULATORY AUTHORITY, ASSAM
JAWAHAR NAGAR, NH-37, GUWAHATI-781022
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Case No : RERA/ASSAM/EXE/2024/03
Name of the Complainant : Shri Saurav Baruah & Ors.
Name of the Respondent : M/s Lohit Ornate Pvt. Ltd.
For the complainants : Mr. Amal Ch. Das, Advocate
Mr. Nirmal Kalita, Advocate
For the respondent : Mr. Akram Imtiaz Ali, Advocate
Order passed by : Mr. B.K.Chetri, Member, RERA, Assam
Date of hearing : 19.11.2025 and 12.12.2025

JUDGEMENT AND ORDER

21.01.2026

1. This execution case was registered on the basis of petition dated 13.06.2024 filed by the complainant Shri Saurav Barua & 9 Ors. alleging that the common order dated 27.06.2023 passed by this Authority in RERA/ASSAM/COM/2017/337 AND RERA/ASSAM/COM/2021/35 and upheld by REAT Assam in REAT/ASSAM/Appeal No. 08 of 2023 vide judgement and order dated 13.10.2023 has not been complied with. The appeal before the REAT Assam was disposed off on the basis of the compromise reached in respect of the following matters:

- 1) Repair of road from the exit gate of the building to the main road.
- 2) Repair/construction of boundary wall.
- 3) Concealment for sewage drainage pipes in the front portico of the building.
- 4) Sign Board.
- 5) Garbage bin

- 6) Car parking
- 7) Permanent lid/cover of the water tank on the rooftop
- 8) Provision for security with the entry gate.
- 9) Security lights, replace of staircase broken glass of windows, polishing of marble floor of front lobby (flat owners responsibility).
- 10) Fire points in each floor (not required).

Additional issue was the 2nd lift in the building and the REAT Assam has upheld the order of this Authority for taking steps in installation of the 2nd lift.

2. In the para 7 of the petition dated 13.06.2024, allegation of non compliance of the order in respect of the following issues:

(i). The Respondents have agreed to repair the stretch of the connecting road from the Exit Gate of the building to the main road, either by concrete plastering or by laying Interlocking tiles.

(II). The Respondents have agreed to repair/ construct with plastering the necessary portion of the boundary wall upto a uniform and standard level which is Broken/damaged, ensuring safety and security of the occupants of the building.

(iii). The Respondents have agreed to do the necessary work for concealing the sewage drainage pipes in the front portico of the building.

(iv). The Respondents have agreed to provide Sign Board on the building showing the name of the Building.

(v). The Respondents have agreed to re-do the marking of the parking area of the respective occupants of the building.

(vi). The Respondents have agreed to provide proper cover ensuring good hygiene and quality of water in the water tank on the roof-top of the building.

(vii). The Respondents agreed to take necessary steps to provide security guard room at the Entry Gate of the building.

(viii). The Respondents have agreed to (a). repair the security lights at the top of the building, (b). Install the security light at the four corners of the building, (c). replace the broken glasses of the window frames in the staircase, (d). polish the marble floor in the front lobby.

Addition issue was in respect of the 2nd lift, which has been mentioned in para 8 of the petition.

3. In response to the show cause notice dated 03.07.2024 issued by this Authority, the respondent stated in their reply dated 15.07.2024 that in terms of the order dated 13.10.2023 of the Assam Real Estate Appellate Tribunal and also in terms of settlement reached , the respondent have already carried out the repair work including the repair of existing/entrance inside the premises, raising of boundary wall, parking allocation, repairing of security light, polish of marble and replacement of broken glasses and as regard the 2nd lift, advance payment of Rs.2,00,000/- has already been deposited with the manufacturer but the balance amount could not paid due to non payment of the outstanding dues by most of the complainants/allottees inspite of repeated request and notices. The respondent assured that on clearance of the outstanding dues by the complainants, the installation of the 2nd lift will be completed.
4. The quotation dated 30.10.2024 of Galaxy Elevator addressed to the complainant Dr. Saurav Baruah along with some photographs of the

approached road to the gate, side wall, corrugated tin roof above the overhead water tank has been submitted by the complainant.

5. In view of the allegation and counter allegation this Authority vide order dated 05.11.2024 directed for joint inspection of the building by the Town Planner, RERA Assam and GMC Officials and submit an inspection report and accordingly the inspection report dated 29.11.2024 has been submitted by Town Planner, RERA Assam and ATP, GMC, which is mentioned and discussed later on.

Both sides have submitted their written submission.

6. In the written synopsis dated 27.02.2025, the respondent mentioned about (i) the repairing of the stretch of the road connected to the main road from the exit gate with pavered blocks/tiles, (ii) repair/construction of broken/damage portion of the boundary wall with necessary plaster/construction (iii) concealment of the sewage drainage pipes on the front portico covered (iv) signboard with the name of the building is installed in the front portico of the building (v) as regards the garbage bin at the rear end, as submitted, constructed, (vi) space for car parking provided (vii) water tank at rooftop covered with permanent G I Sheet roofing's, (viii) security room for residence available on the ground floor within a few yards from the main gate, repair and (ix) installation of the security lights provided on all side of the building. (x) Assembly points for fire provision on each floor of the building already provided and no further action is necessary. (xi) 2nd lift of the make and modal approved by Government of Assam duly installed at the designated place and application before the Chief Inspector of Lift and Escalator submitted for testing and approval. Some coloured photographs of the gate No.1 and 2, security room, G I sheet coverage above the water tank, lift, signboard enclosed.

7. In the written synopsis of the complainant submitted on 27.02.2025, the direction of this Authority in its order dated 13.10.2023 has been reiterated and countered the inspection report submitted by the Town Planner, RERA and Associate Planner, GMC based on site inspection done on 29.11.2024. The report was under 9 headings.

The complainant's submission are as follows:

- I. The paved block not placed in scientific manner for which no car can enter the building from that gate as it get stuck in the chasis for which that gate remain in abandoned condition since of the day of the construction. Such erroneous construction cannot be constructed as proper discharge of the order.
- II. The inspection team has not mentioned about the height of the southern wall. According to them, northern wall towards Pratiksha Hospital is less than 2 feet from the building side and hardly 5 feet from hospital side.
- III. The sewage drainpipe are on front portico and the same has not been covered properly and the submission is that the drainage pipes are to be covered by the steel frame structure so that the same can be opened in view of the repairing and cleaning purpose.
- IV. The flex banner/poster not installed at a proper position so as to be easily visible from the main road and that the flex are faded one.
- V. Regarding marking of a car parking not regarded as a big issue.
- VI. GIS sheet roof installed over the 2 concrete water tanks but there is a gap of 1.5 feet between the tank and GIS Sheet and the gap will provide access to the birds, monkey, dust and tree leaves for which the complainants have to place a temporary cover to protect the water and same not proper solution.

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- VII. The security guard residential room is hardly 10 feet by 8 feet with less than 6 feet height within a ground floor parking area with no ventilation and no separate kitchen. The complainant's demand is for proper security guard residence to accommodate at least 2 security persons.
- VIII. The respondent have not installed any campus common area lighting provision for which entire ground floor becomes dark in the night. The roof of the duct space is not covered by sheets resulting in rainwater splash.
- IX. The respondent have started the process of installing the 2nd lift but no progress has been made after the visit of the inspection team and the lift so installed is of inferior quality.
8. The respondent through its director Shantanu Talukdar filed an affidavit in respect of their submission. The affidavit was duly notarised on 30.06.2025 and photographs of the entrance gates, boundary wall, front overhead portico before and after concealment and placing of sign board over it water tank with permanent double GI Sheet covering, boundary security lights installation. Permission dated: 24.04.2025 for installation of lift and photographs of the second lift are annexed with as exhibits A to Z. A pendrive is also furnished .
9. The complainant Shri Saurav Baruah has also filed the affidavit duly notarised on 17.07.2025 on behalf of all the petitioners and interalia stated as follows:
- i) The paver blocks not places in scientific manner near the second gate making the petitioners abundant the same for not being able to use it.
 - ii) The boundary wall existing the Pratiksha Hospital side is less than 2 feet in some areas, and to be raised upto 5 feet in respect of southern wall.

- iii) The sewage drainage pipe in the front portico asbestos sheet with inferior quality of aluminum frame instead of steel framed structure.
- iv) The flags / banner / poster not easily visible from the main road and the same required to be sufficient big and required to be on the body of the building.
- v) Overhead coverage of the water tank still open and GI Shet roof between the one and half feet height roof making the birds, monkeys etc. reaching the water surface.
- vi) Security guard room is hardly 10 by 8 feet and less than 6 feet height.
- vii) Campus common area light provision not installed.
- viii) Aluminum frame used to cover the open duct space and still no glass fitted.
- ix) Second lift installed in local made inferior quality and till date not connected with the power line and not operating.
- x) The complainant has also enclosed some photographs of the second gate and wall, front portico overhead water tank guard room, lift as exhibit 5 to 11.

Parties alongwith their advocates were heard at length.

10. During the proceeding, and considering the allegations and counter allegations raised, this authority vide order dated: 05.11.2024, order a joint inspection of the site by the Town Planner RERA and official from the GMC and accordingly the inspection was done on 29.11.2024 jointly by the Town Planner RERA and Assistant Town Planner GMC. The report under 8 heads as per the relief sought . They are as follows:

1. Repair the stretch of the connecting from the main gate to exit gate.	Concrete Road connecting the main road available at gate 1 and paverred blocked road available at gate no. 2 (photograph enclosed)
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2. Repair / plaster of the boundary wall	Boundary wall in all the three sides of the building are of sufficient height. (maximum 5 feet as per the building byelaws). Boundary wall adjacent to Pratiksha Hospital of height less than 5 feet but iron grill provided over it.
3. Concealing of sewage drainage pipe in the front portico	Covered temporary flex /poster / banner (photographs)
4. Sign Bard	Flex / Banner / Poster at the front portico installed.
5. Parking area	Designated parking not marked for all units (photographs 4 and 5)
6. Water tank coverage	2 large concrete water tank and 10 plus individual plastic water tank are available. Concrete tanks are covered with permanent GI sheet .
7. Guard room	Guard room at gate not available. However, small unit for guard residence available at ground floor.
8. Security lights	Available in the front side

	other side not available.
9. Second lift	Installation under process

The report also mentioned that Occupancy Certificate of the building received in August 2022 and copy of the Occupancy Certificate dated: 30.08.2022 enclosed.

11. The executing court is confined to the decree / order passed by the court with the modification or addition, if any, by the appellate court . The executing court shall confine to the decree, as above, and it cannot go beyond the decree / order. So in the instant case, this Authority will remain confined to the final order on settled terms as per the judgment and order dated: 13.10.2023 of the REAT in Appeal no. 08/2023. Those issues / agreed terms are enumerated above in para 1.

12. The amenty wise discussion going by the allegations, replies thereof vis-à-vis inspection report and submission of parties are discussed as follows:

A. Road:

The inspection report mentioned of concrete road from the main gate No.1 and pavered road connecting to the main road available in gate no. 2. The photographs also depict the same. So far the gate no. 2 the complainant's version is that that approach is not proper and alleged that the full photograph of the road not provided by the respondent. The complainant Mr. Sauarav Baruah draws the court attention to a portion of that road, it is broken and not covered by the pavered blocks with some grass visible over it. This road has been used for more than 10 years. The some of the complainant are residing here for more than 10 years and occupancy certificate received more than 3 years in August 2022. The area outside the gate falls under the municipal

jurisdiction and on and off works some works are undertaken by the municipal corporation. Due to natural wear and tear also there can be some damage and it may require some repair, which is duty of the occupants of the building. The photograph project the natural position.

In view of the above, there is no justification of the complaint as regard the road connecting the gate No.2.

B. Boundary wall:

The contention of the petitioner as per their written statement dated 27.02.2025 is that the boundary wall on the northern side adjacent to the Pratiksha Hospital is less than 2 feet and that in the southern part (Krishnaguru Ashram) is hardly 3 feet from the road side. But the inspection report is that boundary wall on all three sides are sufficient height (maximum 5 feet as per building byelaws) and only in the side adjacent to the Pratiksha Hospital it is less than 5 feet and an temporary arrangement by way of iron grill has been provided. The respondent has provided the colored photograph of the boundary wall and on one side there is a boundary wall with intermittant gap being covered with iron grill and above it there is iron grill of sufficient height. The complainant pointed towards the photograph and draws attention to the bamboo post at some places and asserted that the iron grills are not strong enough as it without any proper support .

During the course of proceeding the iron grill fell down as submitted by the Mr. Saurav Baruah and the same is reflected in the order dated: 15.09.2025. Mr. Saurav Baruah has shown the pictures from his mobile which has been brought the notice of the Learned Counsel of the respondent and his reply was that he is not aware of the same. The Learned counsel was asked to take up the matter and

on the next date that is on 30.10.2025 Learned Counsel provided photographs of the wall with the iron grill affixed and placing of iron post in between and placing of the iron grill over the boundary wall. The respondent's submission is that the outer part the brick wall is more than 5 feet and if the wall is further raised, there is chance of falling down. And going by the inspection report it is seen that there is sufficient compliance as regard the boundary wall and the complaint of non compliance in this regard is not sustainable.

C. Drainage pipe:

The inspection report mentioned about the covering of the drainage pipe and the photographs enclosed.

There was an issue as regard the overhead front portico and some open drainage pipes were above the entrance portico. It has been rectified as seen from the photographs and as such the direction No.3 of concealment of drainage pipes has been complied with.

D. Sign board:

Coming to sign board in the front overhead portico above the newly constructed box covering the sewage pipe there is a visible sign board of Lohit Ornate Tower . In the inspection report also there is mention of flex / banner / poster at the front portico.

According to the complainant it has been covered with asbestos affixed with low quality aluminum frame instead of steel frame. That portion has been covered and over that covered box, a flex / banner /sign board with a frame is placed. Being so, the direction to provide signboard has been complied with and as such the complaint of not providing proper signboard is not sustainable.

Furthermore, as per the judgment and order dated: 13.10.2023 of the REAT in para 3 (iv) regarding the provision of sign board, on the front side of the building, it is mentioned that the respondents/complainants have been agreed that with the cooperation with Lohit Ornate welfare Society necessary provision shall be the duty of the complainant to do the needful and inspite of it the respondent has provided a flex sign board on the front side of the portico. Similarly as regards the issue of garbage bin, car parking and fire points in each floor as mentioned in point 5, 6 and 10 in para 1 above corresponding to para 3 (v), (vi) , (ix) and (x) of the judgment dated: 13.10.2023 of the REAT, the society has undertaken to do the necessary repair works and regarding fire points no further action is required at the same assembled in all the floors of the building. Hence, this resolves the issues.

E. Overhead water tank cover:

Overhead tank had a GI sheet roof cover and it was about 1 - 1^{1/2} feet from above the water tank and on the insistence of the complaint , the respondent place another GI Sheet cover below the initial roof and same from the top of the water tank. Still the complainant is not satisfied on the ground of keeping an opening over that cover allows the birds and monkeys to spill the water and also allows the falling leaves to enter. The respondent's reply is that the cover was not affixed so as to allow the complaint to slid the covering for the purpose of making an opening for cleaning the tank and if the complainant want the same to be sealed , the respondent will do it. The respondent further submission is that apart from the water tank the occupants of the building has individual plastic water tank on the roof of building. The inspection report under the

heading serial no. 6 mentioned of finding 2 large concrete water tank both covered with permanent GI Sheet and additional 10 individual plastic water tank. So the complainants version is not correct.

The photographs clearly shows 2 GI Sheet one about 1 – 1 ¹/₂ feet above the top of the water tank in v shape and one just from the above surface of the water tank fixed on wooden beam. Regarding two bamboos shown below the wooden plane, respondent's submission is that the complainants has remove the slide of the cover. The respondent counsel under took to fix the lid covered and on 19.11.2025 the respondent produce the photographs with clamps being fixed on wooden beam of the GI Sheet cover with the concrete portion of the water tank .

It is reflected in para no. 3 (vii) in the order dated: 13.10.2023 of the REAT that the appellant / respondent has agreed to provide water tank cover whenever necessary on the issue of permanent lid / cover of the water tank on the top of the building. Accordingly in addition to the already existing V shaped GI sheet over the water tank cover the respondent has put another GI Sheet cover affixed on a wooden beam just above the water tank under the earlier v shaped GI sheet roof. In addition to the concrete water tank 10 plastic water tanks are provided and inspite of this the grievance raised by the complainant that the orders of this authority and that of the appellate tribunal not complied with is not reasonable and unjust.

F. Security Lights:

The complainants alleged of not providing the security lights on each side of the building except the front side, whereas the reply of the respondent is that they have provided the lights and also repaired the same and the photographs has been annexed as annexure G to the affidavit. This issue ought not to have been raised by the complainant as because as per the judgment and order dated: 13.10.2023 of the REAT in para 3 (ix) these things are the responsibility of the flat owners.

G. Second lift:

Coming to the second lift, the same has been installed and made operational, which is reflected in order dated: 01.09.2025. The Learned Advocate for the respondent has submitted that the license of second lift and alongwith the key of the lift was handed over to the care taker of the complainant's society but as per Mr. Saurav Baruah they do not have any such care taker and did not receive the copy of the licensee of the second lift for which the Authority directed the respondent to get back the key and license from the care taker and hand over the same to Mr. Saurav Baruah personally and the subsequent order dated: 15.09.2025 reflects that the respondent has handed over the license of the lift and key of the second lift to Mr. Saurav Barua, which was admitted by Mr. Saurav Baruah. As per order dated 17.07.2025, the complainant admitted of the second lift installation but alleged the same to be of inferior quality, whereas, in the brochure there is mention of lift from of Otis / Kone company. REAT did not interfere with the findings of this Authority vide order dated: 27/06/2023, whereby the direction of this Authority to

the respondent is to install the lift of Ottis/Kone company or equivalent standard having 5 - 6 persons capacity and the reply of the respondent is that the second lift is not of ottis or kone but of equivalent make. As per the documents furnished the lift, was installed by Galaxy Elevators with load capacity of 408 kg(6 passengers). The license to use the lift has been issued by the Government of Assam, O/o The Chief Inspector of Lifts and Escalators, Assam, State, Guwahati, Assam on 28.05.2025 vide license No. CEIA/LIFT/6626 and valid upto 27.08.2028.

13. From the above discussion and findings arrived at, it is clear that the respondent has complied with the directions of this Authority issued vide order dated 27.06.2023 and that of REAT Assam vide judgement and order dated 13.10.2023. Hence, this execution case stands disposed off on being complied with and satisfied.

**Sd/-
(B.K.Chetri)
Member**

Memo No. RERA/ASSAM/EXE/2024/03

Dated.12.12.2026

Copy for information and necessary action as per order to:

1. Website i/c RERA Assam to upload the above mentioned order.
2. Order copy.

Registrar
Real Estate Regulatory Authority,
Assam