



**KERALA REAL ESTATE REGULATORY AUTHORITY**  
**THIRUVANANTHAPURAM**

**Complaints No: 89/2021, 90/2021, 91/2021, 104/2021, 105/2021, 109/2021, 110/2021, 118/2021, 127/2021, 223/2021, 263/2021, 264/2021, 278/2021, 289/2021, 290/2021, 58/2022, 22/2022, 23/2022, 302/2021, 303/21, 304/21, 306/21, 308/21, 312/21, 315/21, 316/21, 317/21, 319/21, 9/22, 321/2021, 322/2021, 324/2021, 11/22, 18/22, 13/22, 130/22, 230/2020, 233/2020, 234/2020, 235/2020, 269/2020, 270/2020, 271/2020, 272/2020, 273/2020, 274/2020, 290/2020, 292/2020, 293/2020, 294/2020, 295/2020, 309/2020, 310/2020, 311/2020, 6/2021, 7/2021, 8/2021, 9/2021, 11/2021, 25/2021, 28/2021, 29/2021, 199/2022, 202/2022, 311/2021, 10/2022**

Present: Sri. P H Kurian, Chairman.  
Smt. Preetha P Menon, Member

Dated 1<sup>st</sup> August 2023

**Complainants**

1. Bardly Gabriel Mark Thompson :Complaint No: 89/2021  
& Feby Jacob Thompson  
(Represented by Kunjamma Jacob Palathingal  
Palathingal House, Kavumpuram, Aimury P.O  
Perumbavoor, Ernakulam-683544



2. Thomas Pulikal  
& Lincy Maria Antony : Complaint No: 90/2021  
Pulikal House  
Near St. Annes School  
Behind S.B High School  
Changanassery P.O  
Kottayam-686101
3. Treasa Joseph : Complaint No: 91/2021  
W/o. P.O Thomas Puthussery  
Muttaomthottil House  
Near St. George Church  
Edapally, Ernakulam- 682024
4. Fousath Arshad : Complaint No: 104/2021  
W/o. C.H Muhammed Arshad  
A-4,Kent Illam, Puthiya Road  
Vennala Kochi, Ernakulam-682028
5. Suja Sholy : Complaint No: 105/2021  
& Sholy Augustine  
Rep: by Augustine Kaitharan Poulose  
Kaitharan House, Cherai P.O  
Ernakulam- 683514
6. Kotherithara Manuel Joseph  
& Merrily Joseph : Complaint No: 109/2021  
Rep: by Varghese  
Kotherithara House, Toll Gate Road  
Vaduthala P.O, Ernakulam- 682023
7. Noel Thomas George : Complaint No: 110/2021  
Rep: by Suma Thomas George  
Chalasseril House, Chandranagar Colony  
Palakkad- 678007
8. Sheeja Chakka : Complaint No: 118/2021  
W/o.N.K Chakkappan  
Nellessery House, Vallappad P.O  
Thrissur



9. Jais M Thomas Complaint No: 127/2021  
Mangalathu House  
KAU.P.O, Vellanikkara Village  
Thrissur-680656
- 10.Raj K Sadasiva Complaint No: 223/2021  
Kavalampara House,  
Karimpadam,  
Chendamangalam P.O,  
North Paravur, Ernakulam-683512.
- 11.Sajan Scaria, Complaint No: 263/2021  
Valiyaparambil House,  
Ponganathanam P.O,  
Thottackad Village,  
Vakkathanam Kottayam-686 538.
- 12.Shaheer Ummer Complaint No: 264/2021  
Shahana Manzil, Mooriyad P.O  
Kuthuparambu Taluk  
Kannur,  
Rep by Khairoonnissa Mullan Parambath  
Dreams, Mooriyad Koothuparamba  
Kannur- 670643
- 13.Riju Hassan & V.M Hassan Complaint No: 278/2021  
Vadakkekudy House  
Rayonpuram P.O  
Perumbavoor, Chelamattom  
Ernakulam- 683543
- 14.Shaji Manayappilly & Reena Shaji Complaint No: 289/2021  
Flat No.6, Plot 520,  
Sai Saburi Building,  
Ambarnath,  
Thane District, Maharashtra
- 15.Sanju Zakaria & Feba Praisyy Samuel, Complaint No. 290/2021  
Puthenparambil House,  
Salempuram,  
Pathanapuram Village and Taluk,





Ulloor Lane,  
Trivandrum.

23. Gee Varughese George,  
Joel villa,  
Chalasseril House,  
Near water Tank,  
Pirayiri P.o,  
Palakkad

Complaint No. 308/2021

24. Gireeshan Navath,  
"Rhythm",  
Chrode P.o, Charode village,  
Vadkara Taluk, Kozhikode

Complaint No. 312/2021

25. M. Denoy Mathew,  
Niravath kandathil House,  
Asokapuram,  
Aluva West Village,  
Ernakulam

Complaint No. 315/2021

26. Roy Thampy Cherian,  
Uppikeril House,  
Puthencavu P.o,  
Chengannur

Complaint No. 316/2021

27. Elizabeth Jacob,  
Myalil House,  
East Kuriannoor P.O,  
Thottapuzhacherry ,  
Thiruvalla,  
Pathanamthitta

Complaint No. 317/2021

28. Saji Kumar G.K,  
TC 13/1788(4), Krishna Vihar,  
Avittam Road, Medical college P.O,  
Thiruvananthapuram

Complaint No. 319/2021

29. Prasanth Kollampatikkal,  
Kollampatikkal House,



- Vattoli P.O, Kakkatti,  
Kunnumal village, Vadakara,  
Kozhikode
- Complaint No. 9/2022
30. Geo Jose Charit,  
Charuvil House,  
Pulpally P.O, Bathery Taluk,  
Wayanad
- Complaint No. 321/2021
31. Pradeesh C.B, Flat No. 9A,  
Skyline Marigold, Petta Junction,  
Tripunithura, Ernakulam
- Complaint No. 322/2021
32. Job Samuel, Malathi Block,  
Mahalakshmi Mallika,  
6 Justice Rathnavel,  
Pandian Road, Golden George Nagar,  
Mogappair East, Chennai
- Complaint No. 324/2021
33. Annie Simon,  
Tharipparambil House,  
Cherai P.O, Pallipuram,  
Cochin-- 683 514
- Complaint No. 11/22
34. Dr. P. Mohandas  
No. 8, Blue Waves Villa,  
Menamkulam P O  
Kazhakkootam,  
Thiruvananthapuram- 695 582
- Complaint No. 18/22
35. Regimon Abraham,  
C/2/4A, 3rd Floor,  
Achary Niketan, Mayurvihar,  
Phase-1, Delhi- 110091
- Complaint No. 13/22
36. Cisil Sunny,  
Kripa,  
Kattookaran House,  
KSEB Road,
- Complaint No. 130/22



Marathamkara P.o, Thrissur

- 37.Narayan Menon  
Sunala, Azad Road  
Kaloor, Kochi- 682017  
Complaint No 230/2020
- 38.Dr. Manoj N & Dr. Raji .G,  
233/2020  
Devaswam Parambu Kottam Kulangara  
Avalookunnu P.O, Ambalapuzha- 688006  
Complaint No:
- 39.Lakshmi S.R & DileepKumar.S  
1<sup>ST</sup> Floor, Murali Bhavan (Gokulam)  
Ernakulam Road, Aluva- 683101  
Complaint No: 234/2020
- 40.Mrs Sowmya Sogi & Mr.Sogi Sebastian  
EL Block,Sai saketa Rajeswri Street  
Somu Nagar, Medavakkam  
Chennai- 600100  
Complaint No: 235/2020
- 41.Lawrence Louis, Francina Luiz  
& Nita Luiz  
Represented by Mr.Benley Noronha  
Grace Enclave, Vaduthala, Kochi 682023  
Complaint No: 269/2020
- 42.Taji Thomas Pulikal  
Represented by Viji Taji Pulikal  
Pulikal House, Changanassery-686101  
Complaint No: 270/2020
- 43.Prasenan CK  
Chulliparambil House, Engandiyoor P.O  
Thrissur District  
Complaint No: 271/2020
- 44.Dr.Tom Jose & Ginu Panikulam  
Flat No:708, Oceanus Maple  
Vattekunnam P.O  
Edapally Ernakulam  
Complaint No: 272/2020
- 45.Mohanan KV  
Represented by K.M Sunil Kumar  
Kothattu House, Perumbalam,  
Alapuzha  
Complaint No: 273/2020



46. Abhilash Rajasekharan Nair  
9 E, Asset Green Ford, Pulinchode  
Aluva, Ernakulam-683106  
Complaint No: 274/2020
47. Susy Koshy  
37/1697, J3 5D, RDS Oasis  
4<sup>th</sup> Cross Road, Nethaji Nagar  
Kadavanthra P.O, Ernakulam  
Complaint No: 290/2020
48. Prasad MT  
Represented by Mr. Sanish KS  
Olipurathu House, Seethathodu  
Ranni, Pathanamthitta  
Complaint No: 292/2020
49. Jinu Susan Roy  
Represented by Roy Cherian  
Polachirackal, Thekkekara Village  
Mavelikara Taluk- 690107  
Complaint No: 293/2020
50. Manju Mariam Cheriyan  
Represented by K.C Koshy  
37/1697, J3 5D, RDS Oasis  
4<sup>th</sup> Cross Road, Nethaji Nagar  
Kadavanthra P.O, Ernakulam  
Complaint No.294/2020
51. Balakrishnan M.V & Rahul Balakrishnan  
Chaitram, No 52, 5<sup>th</sup> main Hoysala Nagar,  
Bangalore-560016  
Complaint: No295/2020
52. Lalitha Mol Thomas  
& Rajan T Cherian  
Flat No: 16 D, Kent Palm Grove  
Opp IMA, stadium link road  
Palarivattom, Ernakulam-682025  
Complaint: No309/2020
53. Anil Krishna Pillai  
Represented by Mr. Babu  
Nalinam South, Mookambi Temple  
North Parur, Ernakulam-683513  
Complaint No: 310/2020





54. Vinod Solomen Bhagianath & Pramod Jonathan Bhagianath  
Flat No: 605, North East Wing  
Near Joggers Park  
Chicalim Vasco Da Gama  
Goa- 403711  
Complaint: No311/2020
55. Gigi Jacob  
Thoompunkal house  
Park Junction, Mavelikkara-690101  
Complaint No: 6/2021
56. Reji Thekkilkandathil Kurian  
III/974A Lavanya  
Thuruthiparambu Road  
Vazhakala BMC P.O, Cochi-682021  
Complaint No: 7/2021
57. E.S Mohamed Shareef  
Elluparambil House,  
Koolimuttom P.O, Kodungalloor  
Thrissur- 680691  
Complaint No: 8/2021
58. Bushara Majeed & other  
4A, Springdale Thynothil Lane  
Bypass Alwaye, Ernakulam  
Complaint No:9/2021
59. Suresh P.R  
H.No: 401, PUNCHAPARAMBIL HOUSE  
PULLOT P.O, KODUNGALLOOR,  
THRISSUR- 680663  
Complaint No: 11/2021
60. Biju Berchmans  
Vyattattil, Edathala P.O  
Aluva, Ernakulam-683561,  
Represented by Mr. Tom Francis  
Kundukulangara House, Erumathalan P.O  
Kairali Nagar, Aluva-683112  
Complaint No:25/2021
61. P.K Sunil Kumar  
Nandanam Pareppallath  
Karinganthuruthu Kongorpilly P.O  
Ernakulam  
Complaint No: 28/2021



62. CMM Kasim Complaint No: 29/2021  
 Chammanur P.O, Punayourkulam  
 Thrissur- 679561, Represented by  
 P,M Mohammed Suhail, Kunjilath House  
 Koolimuttom, Thrissur
63. Gopa Kumar S Nair, Complaint No: 199/2022  
 Thekkenellikunnathu House  
 Kollakedavu P.O,  
 Cheruvalloor,  
 Cheriyanadu Village,  
 Chengannur,  
 Alappuzha
- 64.A. George Mathew, Complaint No. 202/2022  
 Ros Oasis Flat 8D,  
 Nethaji Nagar Cross Road-4,  
 Kadavanthra, Kochi
65. Lissy K Mathew, Complaint No. 311/2021  
 Edappatt, Pothanikkad village,  
 KMG M Taluk
66. Renjith Baby Complaint No. 10/2022  
 Adayil House, Thottakkattukara P O  
 Aluva, Ernakulam- 683 108

### **Respondents**

1. Nest Infratech  
 (M/s Nest Realities India Pvt Ltd)  
 Corporate Office at COMPASS, 5<sup>th</sup> Floor, NH-47 By-pass,  
 Near Vysali Bus Stop, Chakkaraparambu, Cochin- 682 032
2. F.M Shamier Marickar,  
 Kent Nalukettu, Chakkaraparambu, Vennala P.O,  
 Edappally South  
 Ernakulam- 682 028
3. Javad K Hassan,  
 Makar Manzil, Aluva Kara,  
 Aluva East Village, Ernakulam-683 101



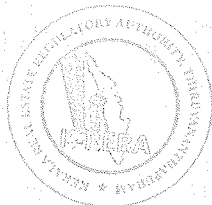
4. Meharbanu,  
W/o Javad K Hassan,  
Makar Manzil, Aluva Kara,  
Aluva East Village, Ernakulam-683 101

5. Jehangir Rowther  
S/o Nagoor Rowther,  
Makar Manzil, Thynothil Lane,  
Aluva, Ernakulam District-683 101.

6. Althaf Jegangir  
S/o Jehangir Rowther,  
Makar Manzil, Aluva Kara,  
Aluva East Village, Ernakulam-683 101

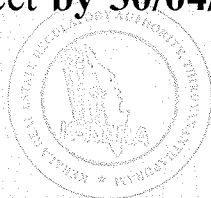
7. Kuttymoosa Shamsudin, Director, Nest Infratech,  
Compass, 5<sup>th</sup> Floor, NH 47 By-pass, Chakkaraparambu  
Near Vysali Bus stop, Cochin, Kerala 682032.

The above 66 complaints came up for hearing today. The Counsels for the Complainants in Complaints No 230, 233, 234, 235, 269, 270, 271, 272, 273, 274, 290, 292, 293, 294, 295, 309, 310, 311 of 2020, 6, 7, 8, 9, 11, 25, 28, 29, 89, 90, 91, 104, 105, 109, 110, 118, 127, 223, 263, 264, 306, 308, 321, 322, 324 of 2021, 11, 18, 13, 58, 199, 202 of 2022, Adv. Puthusseri Thomas and counsel for the Complainants in Complaints No. 278, 289, 290, 302, 303, 304, 311, 312, 315, 316, 317, 319 of 2021, 9, 10, 22, 23, 130 of 2022, Adv. P A Salim, and the Counsel for the Respondents No 1,3,4,5,6&7, Adv. Renjith Kumar appeared. The Respondent No. 5/promoter, Mr. Jahangir was also present.



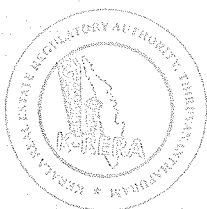
## ORDER

1) The Complainants are the allottees in the project “Nest- The World Apartment”, developed by the Respondents. Earlier, a common order dated 17/06/2021 was passed by the Authority regarding the Completion of the same project, ‘Nest the World Apartment’ developed by the Respondents herein in Complaints No. 230/2020, 233/2020, 234/2020, 235/2020, 269/2020, 270/2020, 271/2020, 272/2020, 273/2020, 274/2020, 290/2020, 292/2020, 293/2020, 294/2020, 295/2020, 309/2020, 310/2020, 311/2020, 6/2021, 7/2021, 8/2021, 9/2021 11/2021, 25/2021, 28/2021 & 29/2021 filed by the allottees of the same Project, through which the Authority directed the Respondents/Promoters *“to complete and hand over the project ‘Nest the World Apartment’ to the Complainants, in all respects as committed/promised to them, along with all the amenities and facilities and mandatory sanctions/approvals required to be received from the Authorities concerned, on or before 30.11.2021 without fail and to file a compliance report in the form of an affidavit to be submitted by the Respondents latest by 01.12.2021”*. As fresh cases came up, it was found that the said order had not been complied with and after hearing and with the consent of all the Complainants, another **order dated 1/12/2021** passed extending the time and directing the Respondent/promoter to complete the project **by 30/04/2022**, on the basis of the affidavit



filed by the Respondent/Promoter undertaking to complete the Project by the said date. The said order also stipulated that in case of failure on the part of the Respondents to comply with the order, the Respondents should remit Rs. 10,000/- per day as penalty from 01/05/2022.

2) On 11/05/2022, the Respondent/Promoter filed an I. A. No. 94/2022 seeking further extension of time for completion of the project, up to 31/03/2023. After hearing both parties, the Authority, vide interim order dated 11/05/2022, directed the Respondents No. 1 & 2 to file an affidavit showing the details including all clearances obtained from the Pollution Control Board, Fire and Rescue Services, approval from Electrical Inspectorate, Height clearance from Airport Authority, order placed for Lift Generator, Transformer STP etc with a program prepared with cash flow chart for completion of the Project in all respects. In compliance with the order dated 11/05/2022, the Respondents No 5/promoter filed an affidavit on 31/05/2022 showing some details but it was found that the cash flow statement submitted by them does not reveal the source of funds to be expended for completion of the Project. Hence, through the interim order dated 31/05/2022, the Respondents/promoters were again directed to submit a fresh cash-flow chart in the proper manner showing the source of the amount to be spent, along with a fresh affidavit.



3) In compliance with the above-said order, the Promoter filed an Audit Report & Certificate of the amount spent which states that the Promoter company had spent an amount of Rs. 5,47,82,450/- during the period 01/06/2021 to 24/06/2022 for the expenses exclusively for the project “Nest World Apartment”, Aluva. During the hearing, it was also noticed by the Authority that the expiry date mentioned in the registration certificate was 30/04/2023, and the promoter has not yet uploaded the details or documents to the web portal of the Authority and hence, the Authority directed the Respondents to upload the details in the web portal within two weeks. The Respondents again requested an extension up to 30/04/2023 to complete the Project.

4) On 19/07/2022, the Authority after hearing both parties and with the consent of the Complainants decided to allow above mentioned I.A. 94/2022, granting the Respondents/Promoters, a final opportunity to complete & hand over the project, subject to certain conditions. Hence the Authority directed the Respondents to complete and hand over, the project ‘Nest the World Apartment’ to the Complainants, in all respects as committed/promised to them, along with all the amenities and facilities and mandatory sanctions/approvals required to be received from the Authorities concerned, **on or before 30.04.2023** subject to payment of penalty of Rs10,000/- per day and also on condition that the entire construction works should be completed



on or before 07/01/2023 and execution of sale deeds and other statutory formalities should be completed on or before 30/04/2023.

The Respondents were also directed to file a work progress report on 5<sup>th</sup> of every month after giving a copy to the Complainants. Two more allottees of the same project filed fresh Complaints No. 199/2022 & 202/2022 which were clubbed with the pending Complaints, and the above-mentioned order dated 19/07/2022 was made applicable to the said Complainants also. The status report was filed by the Respondents/Promoters for the month of July, August & September. During the hearing, the Complainants expressed their apprehension as to the progress of work & Completion of the project by the Respondent/Promoter on the agreed date. But the Representatives of the Respondent/Promoter submitted that they are confident enough to complete the whole project and hand over it to the Complainants on or before 30/04/2023.

5) On 12.07.2023, the Respondents No.5/promoter filed I. A. 106/2023 for the enlargement of time for completing the project. According to the Respondents, they have spent Rs. 34,81,93,881/- out of which Rs. 21,26,56,015/- was collected from the allottees and Rs. 12,50,77,454/- was required to complete the project and Rs. 6,55,22,264/- was still pending from the allottees. The counsel for the Respondents requested for a direction to the allottees to pay the dues. The representative of the Respondents informed that the



fund has been arranged from a financial institution which will be availed by September 2023. The Respondents requested for final extension of time up to July 2024. The Authority reminded the Respondent's counsel and their representative that the penalty of Rs. 10,000/- has been running since 01/05/2023. The counsel for the Complainants Adv. Thomas alleged that only the amount paid by the allottees has been utilized for the construction and from the progress report it was clear that the works relating to STP, common amenities, and electric panel are not yet started. The counsel for the Complainants Adv. Salim submitted that his clients have not paid the amount due as there was an inordinate delay in construction and failure on the part of the Respondents.

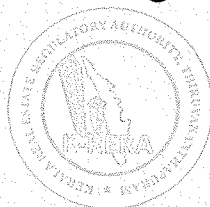
6) The Authority noted that the registration has been expired on 30/04/2023, and no steps have been taken by the Respondents so far for extension. The Respondents were specifically directed to apply for extension with payment of 50% of the fee for registration at the earliest and it was decided to consider I.A. 106/23 only after that the said process and directed the Respondents to apply for extension of Registration and remit the fee within 2 weeks from the date of receipt of the order, to file the work status report with complete details of works completed in the form of an affidavit before the next hearing date along with the documents in proof and the Managing Director of the Respondent Company was directed to be present in person in the next hearing date compulsorily, without fail.





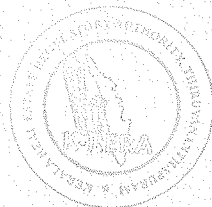
7) When the Complaints came up for hearing this day, the Complainants and their counsels, Respondent No. 5 and his counsel attended the hearing virtually in compliance to the interim order dated 13.07.2023. The Respondent 5 filed affidavit sworn by him and submitted the work status along with list of pending works to be completed in the project. As per the direction of the Authority in the last hearing, the Respondent/promoter had applied for the extension of registration and remitted fee for the same. The Respondent No.5 submitted that they have been periodically uploading the work status report in the Authority web portal and the current photographs are produced along with the affidavit. He confirmed that the promoters are making all endeavours to complete the project and handover the apartments to the allottees as early as possible and prayed for a final extension of time up to July 2024 to complete the project and to report accordingly before this Authority.

8) The Respondents have complied with the earlier order and applied for an extension of time by remitting the fees, and an affidavit has been filed in this regard as per the direction of the Authority. During the hearing, the learned Counsel for the Complainants, Advocate Salim argued that the Complainants have invested their earnings, trusting the Respondent/Promoter as they are a world-wide industrialist's group. The counsel submitted that the Complainants have no other remedies other than to approach this Authority for redressing their grievances. In reply, the



Respondent No. 5 submitted that he has no intention to cheat anybody and he assured that he shall complete the whole project at the earliest. According to his submissions, only 25% of the works remain incomplete and the applications for NOC, and PCB clearance have already been submitted and the Environmental clearance is also to be obtained for the project as area of construction has been increased. Anyhow, the Authority observed that as per the work status report and registration web page, 70 to 100 percent of the works with regard to the Fire & STP are pending and the work with regard to the common amenities are yet to be started. The Authority once again reminded the Respondent No. 5 and his counsel that the penalty of Rs. 10,000/- has been running since 01/05/2023.

9) Even though the Respondent No. 5 repeatedly affirmed during the hearing that he is trying to finish the work as early as possible, one of the Complainants appeared, strongly alleged that on his inspection, none of the labourers were seen on the project site and the Respondents are showing complete negligence in this regard. Another Complainant submitted that they have been waiting for last 12 years and the Promoter is not deploying sufficient work force to complete the project as promised to them. The Authority informed the Complainants that only after getting the occupancy certificate, the possession can be taken and sale deed can be executed. The Complainants present and the counsels for the Complainants submitted that they are consenting to extent



the time up to 31/01/2024 to the Respondents/Promoter, only as final chance, to complete the project in all respects, as promised to them and hand over it to them with all the sanctions and approvals from the authorities concerned.

10) On the basis of the confirmations and undertakings made by the Respondent No. 5 directly and as per the affidavit dated 31/07/2023 sworn by him and also with the consent from the part of the Complainants, invoking Section 34(f) & 37 of the Act, this Authority hereby issues the following directions:

1. The Respondents/Promoters shall complete all the works in the project "Nest- The World Apartment" by **31/01/2024** and hand over the same to the Complainants, in all respects as committed/promised to them, along with all the amenities and facilities as agreed as per the agreements entered into with them and with all the mandatory sanctions/approvals required to be received from the Authorities concerned, **on or before 30.06.2024** without fail.
2. The Respondents/Promoters shall enable formation of Association of allottees in compliance of Section 11(4)(e) of the Act 2016 and complete all the executions of sale deeds, related to apartments / common areas, if any, in favour of allottees/Association within the above said period.



3. The Respondents/Promoters shall handover all the documents pertaining to the project such as a) title deeds of land, b) permits/sanctions/approvals/NOCs, etc, c) all drawings of electricity, plumbing, etc. to the Association, within the above said period.
4. The Respondents/Promoters shall submit the compliance report in the form of an affidavit before this Authority immediately after complying with the above directions.
5. The total amount of penalty of Rs. 10,000/- per day from 01.05.2023 till date of completion and handing over the project as directed above, shall be remitted by the Respondents/Promoters along with the aforementioned affidavit of compliance to be submitted by them.

The Case is posted to 18/10/2023 at 11 a. m to assess the progress of works.

Sd/-  
Smt. Preetha P Menon  
Member

Sd/-  
Sri. P H Kurian  
Chairman

/True Copy/Forwarded By/Order/



Secretary (Legal)

APPENDIX

Exhibits produced by the Respondent

Exhibit A1- Affidavit dated 31/07/2023 produced by the Respondent.



Handwritten initials or signature.

