



**KERALA REAL ESTATE REGULATORY AUTHORITY
THIRUVANANTHAPURAM**

Complaint No. 107/2022

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

Dated 18th June, 2024

Complainant

The World Villas Owners Association
Represented by its President Mr. Abdul Majeed
Nandanam, Opp. Insta Hospital,
Club Junction, Pookkatupady Road,
Edappally Toll Junction, Ernakulam
Kerala- 682 024

[By Adv. B. Fazil]

Respondents

1. M/s Nest Realities India Pvt Ltd
(Nest Infratech)
Compass, 5th Floor, NH-47 Bypass,
Near Vyshali Bus Stop,
Chakkaraparambu, Cochin- 682032



2. F M Shamier Maricker
Kent Nalukettu, Chakkaraparambu,
Vennala P O, Edapally South,
Ernakulam – 682028
3. Javad K Hassan,
Macker Manzil, Thynothil Lane,
Aluva Kara, Aluva East Village,
Ernakulam-683 101
4. Meharbanu Hassan,
W/o Javad K Hassan,
Mackar Manzil, Aluva Kara,
Aluva East Village, Ernakulam-683 101
5. Althaf Jegangir
S/o Jehangir Rowther,
Makar Manzil, Aluva Kara,
Aluva East Village, Ernakulam-683 10
6. Kuttymoosa Shamsudin,
Director, Nest Realities India Private Ltd,
Compass, 5th Floor, NH 47 By-pass, Chakkaraparambu
Near Vysali Bus stop, Cochin, Kerala 682032.
7. N. Jehangir
Director, Nest Realities India Private Ltd,
Compass, 5th Floor, NH 47 By-pass, Chakkaraparambu
Near Vysali Bus stop, Cochin, Kerala 682032.

[R1, R2, R4 & R7- By Adv. Ranjith Kumar]

As the Respondents/Promoters in the above Complaint have grievously failed to comply with the mandatory provision with regard to the registration of the real estate project



under section 3 of the Real Estate (Regulation and Development) Act, 2016, [herein after referred to as the Act, 2016] despite several directions from this Authority, explanation was called for as to why the Authority shall not invoke penalty under section 59 (1) of the Act, 2016. The Authorised representative of the company filed an explanation and the same was considered in the hearing on 18.06.2024, in which, Sri. Rahul K.R., Finance Manager of the 1st Respondent Company attended.

ORDER

1. The Authority vide its order dated on 09.01.2024, in the above Complaint has directed as follows:

*“1. The Respondents/Promoters shall complete and hand over the whole project ‘Nest- The World Always’, in all respects as committed/promised to the complainant Association with all the amenities and facilities as agreed with all the mandatory sanctions/approvals required to be received from the Authorities concerned, **on or before 30.09.2024** without fail. The Respondents shall also complete the executions of sale deeds in favour of the Allottees within the said time frame.*

2. In the event of non-compliance of this direction, the Respondents/Promoters shall be liable for the penalty under



section 63 of the Act, 2016 from 01.10.2024 till the date of compliance of the above direction.

3. The Respondent/Promoter shall show cause why this Authority shall not initiate penal actions under section 59 of the Act, 2016 against them for violating section 3 of the Act, 2016 despite several directions from this Authority within 30 days from the date of receipt of this order.”

3. The authorized representative of the Respondents who appeared for the hearing, filed an explanation and submitted that as per village documents, a portion of the project land was shown as wetland and hence an application has been submitted by them to change the status of survey number No.336/4 (12.60 Ares) in the data bank. According to the Respondents, the said application is under process and is in the final stage before the Revenue Authorities. It was also submitted that the Company and its promoters are making all endeavors to speed up the process and as soon as the conversion of wet land is completed, they will receive layout approval from LSGD and they will complete the registration process as per Section 3 of the Act, 2016. Hence, an extension of three months' time to complete the registration process was prayed for by the Respondents/promoters.

4. The Authority considered the prayer and decided to grant time till 30.09.2024. Hence, the Respondent/promoters



shall complete the registration of the real estate project under Section 3 of the Act, 2016, before 30.09.2024 and if the registration is not done on or before the said extended time, penalty under Section 59 (1) of the Act, 2016 will be imposed without further notice.

Sd/-
Preetha P. Menon
Member

Sd/-
Dr. B. Sandhya
Member

Sd/-
P. H. Kurian
Chairman

/True Copy/Forwarded By/Order/



Secretary (Legal)

