



**KERALA REAL ESTATE REGULATORY AUTHORITY  
THIRUVANANTHAPURAM**

**Complaints No. 152/2024, 153/2024, 211/2024 & 212/2024**

Present: Smt. Preetha P. Menon, Member  
Dr. B. Sandhya, Member

**Dated 28<sup>th</sup> February 2025.**

**Complainants**

1. Lt. Cdr. N.Harish : Complaint No.152/2024  
Aged 39 years, S/o R.V.Narayanan Kutty,  
Flat No. B 0203, B Tower, Chander Kunj Army Towers,  
Silver Sand Island, Vytilla,  
Ernakulam District, Kerala - 682019
2. Sreelakshmi S,  
Aged 34 years, W/o Lt. Cdr. N.Harish,  
Flat No. B 0203, B Tower, Chander Kunj Army Towers,  
Silver Sand Island, Vytilla,  
Ernakulam District, Kerala - 682019
3. Lt.Cdr. Tittu Mathew Joseph, :Complaint No. 153/2024  
Aged 39 years, S/o Joseph Mathew,  
Flat No. C 1303, C Tower Chander Kunj Army Towers,  
Silver Sand Island, Vytilla,  
Ernakulam District, Kerala – 682019.
4. Twinkle Tom,  
Aged 39 years, W/o/ Lt.Cdr. Tittu Mathew Joseph  
Flat No. C 1303, C Tower Chander Kunj Army Towers,



Silver Sand Island, Vytilla,  
Ernakulam District, Kerala – 682019.

[For Complainants in Complaints No. 152/2024 & 153/2024  
Adv. K Shaj, Beena N. Kartha, Arun Chand, Bharath Vijay, Minu  
Vittorria Paulson, Gopika Gopal, Archana P.P & Akhila  
Hussain]

5. Lt. Deenamma John : Complaint No.211/2024  
3/722. E1-Bethel, Trikkakkara P.O.  
Parakkat Temple, Chembumukku  
Vazhakkala Village, Ernakulam-Pin 682021.

6. Lt. Col Noble T. George : Complaint No.212/2024  
Thekkedathu House, Vakayar P.O.  
Konni, Pathanamthitta District, Kerala – 689698.

7. Neena Noble,  
W/o Lt. Col Noble T. George  
Thekkedathu House, Vakayar P.O.  
Konni, Pathanamthitta District, Kerala – 689698.

[For Complainants in Complaints No. 211/2024 & 212/2024  
Adv. N. Ratheesh, Suma Ratheesh & Shanker Ratheesh]

**Respondents in Complaints No. 152/2024 & 153/2024**

1. The Army Welfare Housing Organisation (AWHO),  
represented by its Managing Director,  
South Hutments, Kashmir House,  
Rajaji Marg, New Delhi - 110011
2. The Project Director,  
Army Welfare Housing Organisation (AWHO),  
Prasanna Vihar, Marine Drive,  
Opp. High Court, Kochi – 682031.



3. The Secretary, Tripunithura Municipality,  
Municipal Office, Tripunithura P.O, Layam Road,  
Tripunithura, Ernakulam District – 682301
4. The Vigilance Squad,  
Represented by the Chief Town Planner (Vigilance),  
Local Self Government Department – Vigilance Wing,  
Vigilance Cell, 5<sup>th</sup> floor, Swaraj Bhavan,  
Nanthancode, Thiruvananthapuram – 695003
5. The Kerala Coastal Zone Management Authority (KCZMA),  
Represented by its Member Secretary,  
Office of the Kerala Coastal Zone Management Authority,  
4<sup>th</sup> Floor, KSRTC Bus Terminal,  
Thampanoor P.O, Thiruvananthapuram – 695001

[For R1 & R2 Adv. George Cherian Karippaparambil and  
Adv. Aglin Christopher]

**Respondents in Complaints No 211/2024 & 212/2024**

1. The Army Welfare Housing Organisation (AWHO),  
represented by its Managing Director,  
South Hutments, Kashmir House,  
Rajaji Marg, New Delhi - 110011
2. The Project Director,  
Army Welfare Housing Organisation (AWHO),  
Prasanna Vihar, Marine Drive,  
Opp. High Court, Kochi – 682031
3. The Board of Governors  
Represented by the Chief of the Army staff and President,  
IHQ of MOD(ARMY),  
Sena Bhavan, New Delhi Pin- 110011.



## ORDER

1. As the above Complaints are related to the same project developed by the same Promoter, the cause of action and the reliefs sought in all the complaints are one and the same, the said Complaints are clubbed and taken up together for passing common order, as provided under Regulation 6 (6) of Kerala Real Estate Regulatory Authority (General) Regulations, 2020.

2. The Complainants in Complaints No. 152/2024, 153/2024 are seeking reliefs for direction to the Army Welfare Housing Organisation to comply with the provisions of Section 3 of the Act, 2016, to pay interest on the delayed possession at the prevailing SBI's Bench mark PLR rate of 15% plus 2 % as per the schedule to the Complaint and further interest on every month till apartment is handed back to the Complainants, to change classification of land from paddy to garden land, to inform the allottees of the proceedings pertains to land acquisition of the property by Kochi Metro Rail Limited and ensure compensation, direct the Kerala Coastal Zone Management Authority to study investigate and furnish information as to the manner of violation of CRZ norms in making construction, direct the Trippunithura Municipality to ascertain violation of provisions of the building rule and regulations, direct a competent authority to study the Building Rule violation in construction, to inspect and study the reasons for the deterioration and damage of the buildings, to find whether building is fit for habitation, to find whether retrofitting



is possible for the buildings as per specification of NBC of India, 2016, to find whether the building require retrofitting or require to be demolished by applying the specifications of NBC of India, 2016, to find whether retrofitting or demolition cum reconstruction is required by applying the specifications of NBC of India, 2016, to find whether the building will have an expected life of 75 years as per specification in CPWD Manuel, and if retrofitting or demolition cum reconstruction is allowed Army Welfare Housing Organisation be directed to obtain CRZ NOCs, all permits and sanctions from Municipality, permits required under the Air (Prevention and Control of Pollution) Acts and Water (Prevention and Control of Pollution) Act, award cost etc. The Complainants in Complaints No. 211/2024 & 212/2024 are seeking directions to the Respondents 1 to 3 to pay interest at 17% per annum for the amount paid the Respondents for the purchase of flats from date of execution of sale deed till date of filing the Complaint, and to pay interest on every month from date of Complaint till getting safe apartment as interest of delay in completion and handing over possession, to hand over of apartment with all common amenities as promised, to pay losses and damages sustained to the Complainants, award costs etc.

3. This Authority, on the findings that the project in question is an ongoing real estate project to be registered under Section 3 of the of the Real Estate (Regulation and Development) Act, 2016, vide interim order dated 03.10.2024, in Complains



No. 97/2024, 98/2024, 99/2024, 100/2024, 101/2024, 103/2024, 104/2024, 105/2024 & 106/2024 directed the Respondents No. 1 & 2/ promoters to register the project 'Chander Kunj Army Towers, Silver Sand Island, Vyttila' within 30 days from the date of receipt of the order under Section 3 of the said Act, failing the Authority would be constrained to invoke penal provisions under Section 59 of the said Act. In the result the Complains were found maintainable before tis Authority.

4. Even though the Complaints were posted to 03.03.2025 & 05.03.2025 for further hearing, it came to the notice of this Authority that the Hon'ble High Court of Kerala passed final order dated 03.02.2025, in a series of Writ Petitions No. 40178/2023 & 10400, 20298, 21253, 22536, 24221, 28289, 29703 and 35585/2024 which were pending before the Hon'ble High Court of Kerala, with respect to the project in question, directing the Army Welfare Housing Organisation, the 1<sup>st</sup> Respondent herein "to demolish and reconstruct Towers B and C to prevent casualties and protect lives and properties" and directing the District Collector to constitute a committee to make all the necessary arrangements to implement/execute the said order. There is also direction to the Army Welfare Housing Organisation "to pay the owners of Tower B and C, respective amounts per month towards expenses for alternate accommodation until reconstruction." It is also seen in the order empowering the 'Committee' "to make such complaints against



those responsible for creating a situation that led to the demolition of the towers in question” and also empowering the Committee, “to decide any other matter that arises during evacuation, demolition or reconstruction subject to the provisions of law”. In these circumstances, we are of the opinion that this Authority cannot intervene in any of the Complaints with respect to the project in question as such, because the said construction, ie, Towers B and C are going to be demolished through a process of law. Hence this Authority cannot proceed with registration of such a project which will not be in existence physically after execution of the order passed by the Hon’ble High Court of Kerala, though it was found an ongoing project required to be registered under Section 3 of the Real Estate (Regulation and Development) Act, 2016. It is also to be noted that no Complainants before this Authority sought refund of the amount as per Section 18 of the Real Estate (Regulation and Development) Act, 2016 but reliefs sought include directions for registration of the project in question, interest for delay in handing over possession, violation of building rules, handing over common area as promised to the allottees and to the association and so on.

5. In these circumstances, this Authority cannot proceed with these Complaints. In case the Complainants approach the Hon’ble High Court of Kerala and gets clarification about their right to get any remedy through this Authority, this Authority



would proceed further with such fresh Complaints as per directions of the Hon'ble High Court of Kerala.

6. The above Complaints stands disposed of accordingly.

Sd/-

Preetha P. Menon  
Member

Sd/-

Dr. B. Sandhya  
Member

True Copy/Forwarded By/Order



Secretary (Legal)