



KERALA REAL ESTATE REGULATORY AUTHORITY

THIRUVANANTHAPURAM

Complaint No: 16/2021

Dated 17th March 2021

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

Complainant

Reshma Vijayan
Uthradam, Tc 14/1557(1)
Thycaud P.O, Trivandrum

Respondent

Sree Nakshathra Projects,
Mithun and Markose Buildings
Palayam- Airport Road
Near Central Mall, Pettah
Trivandrum

ORDER

1. The Complainant in the above case is the allottee/owner of Villa No:61 of the project named Nakshatra Galaxy, developed and constructed by the Respondent. For the purpose of availing a loan by the Complainant from Kerala Grameen Bank, Panavila Branch, the Bank's Advocate approached the Respondent to verify the original prior deeds pertaining to the said project which

are still in the custody of the Respondents. But the Respondents did not allow the Advocate to peruse the documents stating that the Villa owners have filed a case against them before this Authority. Hence, the Complainant prayed to issue an order directing the Respondent to make available, the original documents for verification of the Bank. The Complainant produced photocopy of gift deed No: 3134/I/2020 executed at Pothencode Sub Registrar office, through which the original allottee Mr. Vijayan transferred his rights and title over villa No:61 to the Complainant herein. The Respondent did not file any counter statement to the Complaint.

2. Heard both parties. During the hearing, the Respondent submitted that they did not know the transfer of the villa No: 61 from the original allottee to the Complainant herein. The Respondent also alleged that despite their frequent requests, the allottee of villa no:61 did not pay the due amount towards maintenance/ utility charges and that is why they denied permission for verification of documents.

3. The Respondent/ Promoter cannot deny the Complainant/Allottee in any way, permission to verify the original documents related to the Project by herself or through her counsel or through the counsel of her Bank. At the time of booking the apartment itself, the allottee is entitled to verify all the original documents pertaining to the Project and to get the copies of all of said documents including land title deeds, sanctions and approvals obtained for the Project. As per Section 17(2) of the Real Estate (Regulation and Development) Act 2016, after obtaining occupancy certificate and handing over physical possession to allottee, it shall be the responsibility of the promoter to handover necessary documents and plans including common area to the Association of allottees. Provided that, in the absence of any local law, the promoter shall handover necessary documents including plans and documents including common areas to the Association of allottees within 30 days after

obtaining occupation certificate. According to Section 19 (1) of Real Estate (Regulation and Development) Act 2016, “the allottee shall be entitled to obtain information relating to sanctioned plans, layout plans along with the specifications, approved by the competent authority and such other information as provided in the Act or the rules and regulations made thereunder or the agreement for sale signed with the promoter”. Section 19 (5) of the Act also stipulates that “the allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment or plot or building as the case may be, by the promoter”.

4. After hearing both the parties, this Authority hereby directs the Respondent to make available all the original documents including land title deeds, sanctions and approvals obtained for the project and all other documents pertaining to the Project for verification of the financial institution, from where the complainant proposes to avail the loan.

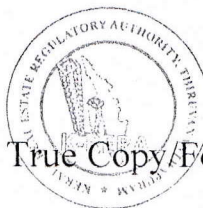
Sd/-

Smt. Preetha P Menon
Member

Sd/-

Sri. P H Kurian
Chairman

Secretary (legal)



True Copy/Forwarded By/Order/