



KERALA REAL ESTATE REGULATORY AUTHORITY

THIRUVANANTHAPURAM

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, 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.

Dated 1st December 2021

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

Complainants

1. Narayan Menon
Sunala, Azad Road
Kaloor, Kochi- 682017
Complaint No 230/2020
2. Dr. Manoj N & Dr. Raji .G,
Devaswam Parambu Kottam Kulangara
Avalookunnu P.O, Ambalapuzha- 688006
Complaint No: 233/2020
3. Lakshmi S.R & DileepKumar.S
1ST Floor, Murali Bhavan (Gokulam)
Ernakulam Road, Aluva- 683101
Complaint No: 234/2020
4. Mrs Sowmya Sogi & Mr.Sogi Sebastian
EL Block, Sai saketa Rajeswri Street
Somu Nagar, Medavakkam
Chennai- 600100
Complaint No: 235/2020



5. Lawrence Louis, Francina Luiz
& Nita Luiz
Represented by Mr. Benley Noronha
Grace Enclave, Vaduthala, Kochi 682023
Complaint No: 269/2020
6. Taji Thomas Pulikal
Represented by Viji Taji Pulikal
Pulikal House, Changanassery-686101
Complaint No: 270/2020
7. Prasenan CK
Chulliparambil House, Engandiyoor P.O
Thrissur District
Complaint No: 271/2020
8. Dr. Tom Jose & Ginu Panikulam
Flat No: 708, Oceanus Maple
Vattekkunnam P.O
Edapally Ernakulam
Complaint No: 272/2020
9. Mohanan KV
Represented by K.M Sunil Kumar
Kothattu House, Perumbalam, Alapuzha
Complaint No: 273/2020
10. Abhilash Rajasekharan Nair
9 E, Asset Green Ford, Pulinchode
Aluva, Ernakulam-683106
Complaint No: 274/2020
11. Susy Koshy
37/1697, J3 5D, RDS Oasis
4th Cross Road, Nethaji Nagar
Kadavanthra P.O, Ernakulam
Complaint No: 290/2020
12. Prasad MT
Represented by Mr. Sanish KS
Olipurathu House, Seethathodu
Ranni, Pathanamthitta
Complaint No: 292/2020
13. Jinu Susan Roy
Represented by Roy Cherian
Polachirackal, Thekkekkara Village
Mavelikara Taluk- 690107
Complaint No: 293/2020



14. Manju Mariam Cheriyan
Represented by K.C Koshy
37/1697, J3 5D, RDS Oasis
4th Cross Road, Nethaji Nagar
Kadavanthra P.O, Ernakulam
Complaint No: 294/2020
15. Balakrishnan M.V & Rahul Balakrishnan
Chaitram, No 52, 5th main Hoysala Nagar,
Bangalore-560016
Complaint No: 295/2020
16. Lalitha Mol Thomas
& Rajan T Cherian
Flat No: 16 D, Kent Palm Grove
Opp IMA, stadium link road
Palarivattom, Ernakulam-682025
Complaint No: 309/2020
17. Anil Krishna Pillai
Represented by Mr. Babu
Nalinam South, Mookambi Temple
North Parur, Ernakulam-683513
Complaint No: 310/2020
18. Vinod Solomen Bhagianath &
Pramod Jonathan Bhagianath
Flat No: 605, North East Wing
Near Joggers Park
Chicalim Vasco Da Gama
Goa- 403711
Complaint No: 311/2020
19. Gigi Jacob
Thoompunkal house
Park Junction, Mavelikkara-690101
Complaint No: 6/2021
20. Reji Thekkilkandathil Kurian
III/974A Lavanya
Thuruthiparambu Road
Vazhakala BMC P.O, Cochi-682021
Complaint No: 7/2021
21. E.S Mohamed Shareef
Elluparambil House,
Koolimuttom P.O, Kodungalloor
Thrissur- 680691
Complaint No: 8/2021



22. Bushara Majeed & other
4A, Springdale Thynothil Lane
Bypass Alwaye, Ernakulam
Complaint No:9/2021
23. Suresh P.R
H.No: 401, Punchaparambil House
Pulot P.O,Kodungalloor,
Thrissur- 680663
Complaint No: 11/2021
24. 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
25. P.K Sunil Kumar
Nandanam Pareppallath
Karinganthuruthu Kongorpilly P.O
Ernakulam
Complaint No: 28/2021
26. CMM Kasim
Chammanur P.O, Punayourkulam
Thrissur- 679561, Represented by
P,M Mohammed Suhail, Kunjilath House
Koolimuttom, Thrissur
Complaint No: 29/2021
27. Bardly Gabriel Mark Thompson
& Feby Jacob Thompson
(Represented by Kunjamma Jacob Palathingal
Palathingal House, Kavumpuram, Aimury P.O
Perumbavoor, Ernakulam-683544
Complaint No: 89/2021
28. Thomas Pulikal
& Lincy Maria Antony
Pulikal House
Near St. Annes School
Behind S.B High School
Changanassery P.O
Kottayam-686101
Complaint No: 90/2021



29. Treasa Joseph
W/o. P.O Thomas Puthussery
Muttaomthottil House
Near St. George Church
Edapally, Ernakulam- 682024
Complaint No: 91/2021
30. Fousath Arshad
W/o. C.H Muhammed Arshad
A-4, Kent Illam, Puthiya Road
Vennala Kochi, Ernakulam-682028
Complaint No: 104/2021
31. Suja Sholy
& Sholy Augustine
Rep: by Augustine Kaitharan Poulose
Kaitharan House, Cherai P.O
Ernakulam- 683514
Complaint No: 105/2021
32. Kotherithara Manuel Joseph
& Merrily Joseph
Rep: by Varghese
Kotherithara House, Toll Gate Road
Vaduthala P.O, Ernakulam- 682023
Complaint No: 109/2021
33. Noel Thomas George
Rep: by Suma Thomas George
Chalasseril House, Chandranagar Colony
Palakkad- 678007
Complaint No: 110/2021
34. Sheeja Chakkappan
W/o.N.K Chakkappan
Nellesery House, Vallappad P.O
Thrissur
Complaint No: 118/2021
35. Jais M Thomas
Mangalathu House
KAU.P.O, Vellanikkara Village
Thrissur-680656
Complaint No: 127/2021
36. Raj K Sadasivan
Kavalampara House,
Karimpadam,
Chendamangalam P.O,
North Paravur, Ernakulam-683512.
Complaint No: 223/2021



37. Sajan Scaria,
Valiyaparambil House,
Ponganthanam P.O,
Thottackad Village,
Vakkathanam Kottayam-686 538. Complaint No: 263/2021
38. Shaheer Ummer
Shahana Manzil, Mooriyad P.O
Kuthuparambu Taluk
Kannur,
Rep by Khairoonnissa Mullan Parambath
Dreams, Mooriyad Koothuparamba
Kannur- 670643 Complaint No: 264/2021
39. Riju Hassan & V.M Hassan
Vadakkekudy House
Rayonpuram P.O
Perumbavoor, Chelamattom
Ernakulam- 683543 Complaint No: 278/2021

Respondents

1. Nest Infratech
(M/s Nest Realities India Pvt Ltd)
Corporate Office at COMPASS, 5th 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, 5th Floor, NH 47 By-pass, Chakkaraparambu
Near Vysali Bus stop, Cochin, Kerala 682032.

The above cases are clubbed together and posted for virtual hearing today. Counsel for the Complainant in C.No.278/2021, Adv. Salim P, Counsel for other Complainants, Adv. P.O Thomas and Counsel for the Respondent Adv. Ranjith Kumar attended the hearing.

COMMON ORDER

1. As the above complaints are related to the same project named "Nest the World Apartment" 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 joint hearing for passing a common order, as provided under Regulation 6 (6) of Kerala Real Estate Regulatory Authority (General) Regulations, 2020.
2. 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 Complaint Nos. 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 in which the Authority issued the following directions:-

- 1) The Respondents/ Promoters shall 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.
- 2) The Association of Allottees shall monitor the progress of works and make sure that it is being carried out as per the Work Schedule (Annexures A). In case of any default from the part of the Respondent, the Association can approach this Authority.
- 3) The compliance report in the form of an affidavit shall be submitted by the Respondents latest by 01.12.2021.
3. The said order dated 17/06/2021, issued by the Authority is made applicable to the Complaint Nos. 89/2021, 90/2021, 91/2021, 104/2021, 105/2021, 109/2021, 110/2021, 118/2021 & 127/2021, which are filed by the Allottees of the same project 'Nest the World Apartment' and an order was issued on 28/07/2021, by the Authority to that effect. The Authority again advised the Complainants to make the association a party or file a fresh case by the association to avoid multiplicity of cases on the same project.
4. As the Complainants in the fresh Complaints (223/2021,263/2021,264/2021,278/2021) which came up for hearing today are also allottees in the same project 'Nest the World Apartment', the above mentioned common order dated 17/06/2021 is applicable to the Complainants herein also.



5. But the Respondent has filed an affidavit dated 26-11-2021 stating that the final order dated 17/06/2021 could not be complied with by them due to Covid 19 pandemic and requested for extension up to 30/04/2022 and further stated that the said proposal for extension was informed to the Association of allottees and the Association has also agreed to the same. The schedule for completion and letter from the association are produced by the Respondent. The Complainants admitted that they received the copy of the said affidavit. After hearing both sides and with consent of the Complainants, the authority decided to allow extension, as prayed for.

6. In view of the above and with the consent of both the parties, the Authority directs as follows:-

a) The Respondents/Promoters shall 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 30.04.2022** without fail.

b) The Association of Allottees shall monitor the progress of works and make sure that it is being carried out as per the new work schedule. In case of any default from the part of the Respondent, the Association can approach this Authority.

c) The Respondent is directed to file status report every month after giving copy to the association.

d) In the event of failure on the part the Respondent to complete the entire works of the project as stated above the Respondents shall be liable to pay **Rs.10,000/- per day** as penalty from



01/05/2022 till the date of completion, as provided under Section 63 of the Real estate (Regulation & Development) Act, 2016.

This order is issued without prejudice to the right of the Complainants to submit claims for compensation before the Adjudicating Officer of the Authority in accordance with the provisions of the Act and Rules, for any loss or damage sustained to them due to the default from the part of the Respondents.

Case is posted (for assessment of status of works) to 07/02/2022 at 11.00 A.M.

The interest claims of the Complainants shall be heard on 13/01/2022 at 04.00 P.M.

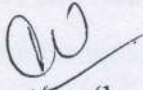
Sd/-
Smt. Preetha P Menon
Member

Sd/-
Sri.M.P. Mathews
Member

Sd/-
Sri. P H Kurian
Chairman

/True Copy/Forwarded By/Order




Secretary (legal)