



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 1 ST 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, Thekkakara Village
Mavelikara Taluk- 690107 Complaint No: 293/2020



14. Manju Mariam Cheriany Represented by K.C Koshy 37/1697, J3 5D, RDS Oasis 4 th Cross Road, Nethaji Nagar Kadavanthra P.O, Ernakulam	Complaint No: 294/2020
15. Balakrishnan M.V & Rahul Balakrishnan Chaitram, No 52, 5 th 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 Pullot 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 Housé, 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	Complaint No: 91/2021
W/o. P.O Thomas Puthussery Muttaomthottil House Near St. George Church Edapally, Ernakulam- 682024	
30. Fousath Arshad	Complaint No: 104/2021
W/o. C.H Muhammed Arshad A-4, Kent Illam, Puthiya Road Vennala Kochi, Ernakulam-682028	
31. Suja Sholy & Sholy Agustine 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 Nellessery 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, Complaint No: 263/2021

Valiyaparambil House,
Ponganthanam P.O,
Thottackad Village,
Vakkathanam Kottayam-686 538.

38. Shaheer Ummer Complaint No: 264/2021

Shahana Manzil, Mooriyad P.O
Kuthuparambu Taluk
Kannur,
Rep by Khairoonnissa Mullan Parambath
Dreams, Mooriyad Koothuparamba
Kannur- 670643

39. Riju Hassan & V.M Hassan Complaint No: 278/2021

Vadakkekudy House
Rayonpuram P.O
Perumbavoor, Chelamattom
Ernakulam- 683543

Respondents

1. Nest Infratech
(M/s Nest Realties 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, Chakkarparambu
 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 Ménor
Member

Sd/-
Sri.M.P. Mathews
Member

Sd/-
Sri. P H Kurian
Chairman

/True Copy/Forwarded By/Order



Secretary (legal)