



**KERALA REAL ESTATE REGULATORY AUTHORITY**  
**THIRUVANANTHAPURAM**

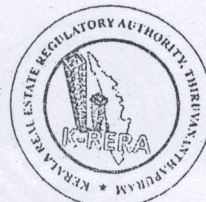
**Complaints Nos: 302/2021, 303/2021, 304/2021, 306/2021 &  
 308/2021**

Dated 13<sup>th</sup> January 2022

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

**Complainants**

1. Jaimy Elson Roy : Complaint No.302/2021  
 Polachirackal House,  
 Thekkekara village, Mavelikkara,  
 Pin-690107.  
 Represented by Roy Cherian,  
 Polachirackal House,  
 Cherukunnam, Thekkekkara Village,  
 Mavelikkara-690107.
2. Jaimy Elson Roy : Complaint No.303/2021  
 Polachirackal House,  
 Thekkekara village, Mavelikkara,  
 Pin-690107.  
 Represented by Roy Cherian,  
 Polachirackal House,  
 Cherukunnam, Thekkekkara Village,  
 Mavelikkara-690107.
3. Soman C R, : Complaint No.304/2021  
 Aiswarya House,  
 Chettiparambil Lane, South  
 Tripunithura, Ernakulam.



4. Brammadas Dhanyal, & : Complaint No.306/2021  
Renita Brammadas,  
B3, Alsa Hazel Crest, DPI Junction,  
Ulloor Lane, Thiruvananthapuram.  
Represented by Kanniyal Bramadasan,  
Artech Empire, Thiruvananthapuram.
5. Gee Varughese George : Complaint No.308/2021  
Joel Villa, Chalasseril House,  
Near Water tank, Pirayiri P.O.,  
Palakkad-6708019.

### Respondents

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

The above cases are clubbed together and came up for virtual hearing today. Counsel for the Complainant 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 01/12/2021 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&29/2021,89/2021,90/2021,91/2021,104/20 21,105/2021,109/2021,110/2021,118/2021,127/2021,223/2021,263/20 21,264/2021,278/2021 in which the Authority issued the following directions:-



(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.

3. As the Complainants in the above Complaints are the Allottees of the project 'Nest the World Apartment', the above mentioned common order dated 01/12/2021 shall be applicable to these Complainants also.

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  
16/03/2022 at 12.00 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)

