



**KERALA REAL ESTATE REGULATORY AUTHORITY
THIRUVANANTHAPURAM**

Complaint Nos. 279/2022, 286/2022, 11/2023, 50/2023 & 51/2023

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

Dated 27th March 2023

Complaint No. 279/2022

Complainant

Bindurani P
Pournami, Vettuveni,
Haripad P O, Alappuzha-690514
Residing at Sivadam, Manganam P O,
Kottayam, Kerala- 686018

Respondents

1. NEST Infratech (Nest Realities India Pvt Ltd)
5th Floor, Compass, NH 47 By-pass
Chakkaraparamb, Near Vaishali Bus stop,
Chakkaraparambu, Cochin- 682 032
Represented by its Director
2. F.M Shamier Marickar
Director of M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028



Complaint No. 286/2022**Complainant**

Vinod Kumar A & Dhanya B S
Vennilkattu Veedu, Arukalickal East,
Nedumon P O, Adoor,
Pathanamthitta- 691 556
Now residing at Apartment No. 1 GB2,
1st Floor, Nest Orchid Park, Kalathipady,
Muttambalam P O,
Vijayapuram Village, Kottayam-686 010

Respondents

1. NEST Infratech (Nest Realities India Pvt Ltd)
5th Floor, Compass, NH 47 By-pass
Chakkaraparamb, Near Vaishali Bus stop,
Chakkaraparambu, Cochin- 682 032
Represented by F M Shamier Maricker
2. M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028
Represented by F M Shamier Maricker
3. F.M Shamier Marickar
Director of M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028

Complaint No. 11/2023**Complainant**

Grace Jose
Nest Orchid Park Apartment,
12 A-TB2, Vadavathoor,
Kottayam- 686010



Respondents

1. M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028
Represented by F M Shamier Maricker
2. NEST Infratech (Nest Realties India Pvt Ltd)
5th Floor, Compass, NH 47 By-pass
Chakkaraparamb, Near Vaishali Bus stop,
Chakkaraparambu, Cochin- 682 032
Represented by F M Shamier Maricker
3. F.M Shamier Marickar
Director of M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028

Complaint No. 50/2023Complainant

V S Thomas
8- B1, Orchid Park Apartments,
Vadavathoor P O,
Kottayam-686010

Respondents

1. M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028



Represented by F M Shamier Maricker

2. NEST Infratech (Nest Realities India Pvt Ltd)
5th Floor, Compass, NH 47 By-pass
Chakkaraparamb, Near Vaishali Bus stop,
Chakkaraparambu, Cochin- 682 032
Represented by F M Shamier Maricker

3. F.M Shamier Marickar
Director of M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028

Complaint No. 51/2023

Complainant

Annamma George
Kurisinkal House,
Nattakom P O,
Kottayam- 686013

Respondents

1. M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,
Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028
Represented by F M Shamier Maricker
2. NEST Infratech (Nest Realities India Pvt Ltd)
5th Floor, Compass, NH 47 By-pass
Chakkaraparamb, Near Vaishali Bus stop,
Chakkaraparambu, Cochin- 682 032
Represented by F M Shamier Maricker
3. F.M Shamier Marickar
Director of M/s Marickar Plantation Pvt Ltd,
A-6, Kent Nalukettu,

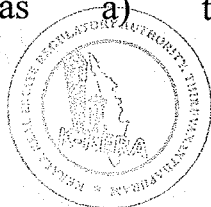


Chakkaraparambu, Vennala P O,
Edapally South Village, Kanayannoor Taluk,
Ernakulam P O- 682 028

The above Complaint came up for a hearing on 27/03/2023. The Complainants and Respondent Mr. Shamier Maricker attended the hearing directly.

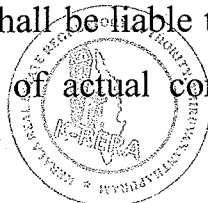
COMMON ORDER

1. The Authority passed a common order dated 17.03.2021 in Complaint Nos. **148/2020, 165/2020, 173/2020, 174/2020, 175/2020, 176/2020, 219/2020, 220/2020, 225/2020, 226/2020, 228/2020, 229/2020, 232/2020, 251/2020, 258/2020, 278/2020, 282/2020, 298/2020, 317/2020, 318/2020, 38/2021** filed by the allottees of the same Project 'Nest Orchid Park' against the Respondent/ Builder herein invoking Section 34(f) & 37 of the Act whereby the Authority directed the Respondents -1) To complete and hand over, the project 'Nest Orchid Park' to the Complainants, in all respects as committed/promised to them, along with all the amenities and facilities as agreed as per the agreements entered into with them and with all the mandatory sanctions / approvals required to be received from the Authorities concerned, **on or before 30.06.2021** without fail ; 2) To enable the formation of the Association of allottees in the project and its registration as provided under Section 11(4) (e) of the Act ;3) to open an escrow account with the Association of allottees and all the allottees shall deposit the respective due amounts to be paid by them in the said account ;4) To complete all the executions of sale deeds, if any, related to apartments / common areas in favour of allottees/Association ;5) to handover all the documents pertaining to the project such as a) title deeds of land, b)



permits/sanctions/approvals/NOCs, etc, c) all drawings of electricity, plumbing, etc. to the Association ;6) to submit before this Authority, the compliance report in the form of an affidavit on **01.07.2021**. It was also specifically mentioned that in the event of any non-compliance of this order by the Respondent, this Authority shall initiate severe penal actions as provided under Section 63 of the Act. The Respondent had failed to comply with the said order.

2. The Complaints No. 186/21, 326/21, 327/21 were filed before this Authority relating to the same Project. As the 24 complaints were related to the same project developed by the same Promoter, the cause of action and the reliefs sought in all the complaints were one and the same, the said Complaints were clubbed together and Authority through order dated 20/05/2021 directed the Respondent (1) to complete and hand over the project 'Nest Orchid Park' to the Complainants, in all respects as committed/promised to them, along with all the amenities and facilities as agreed as per the agreements entered into with them and with all the mandatory sanctions/approvals required to be received from the Authorities concerned, **on or before 31.08.2022** without fail, (2) to complete all the executions of sale deeds, if any, related to apartments / common areas in favour of allottees/Association (3) to handover all the documents pertaining to the project such as a) title deeds of land, b) permits/sanctions/approvals/NOCs, etc, c) all drawings of electricity, plumbing, etc. to the Association, within the above said period, (4) to submit before this Authority, the compliance report in the form of an affidavit on **01.09.2022**. It was also informed that in the event of failure on the part of the Respondent / Promoter to complete the entire works of the project and hand over the apartment as stated above, the Respondent/ Promoter shall be liable to pay Rs. **25,000/- per day** from **01/09/2022** to the date of actual compliance with said direction, as



provided under Section 63 of the Real Estate (Regulation & Development) Act, 2016.

3. As the Complainants in the Complaints No. 279/22, 286/22, 11/23, 50/23 & 51/23 which came up for hearing today are also the allottees of the same project, the above-mentioned common order dated 20/05/2021 is made applicable to the Complainants in the above Complaints also. If the Respondent/Promoter failed to comply with this Authority's above common order, the Complainants herein also have the liberty to file separate Execution Petitions.
4. The Respondent/builder shall also arrange labourers for completing the remaining works in the apartment of the Complainant in Complaint No. 279/22 for which the payment shall be made by the Complainant directly to the labourers, within 60 days from the date of receipt of this order.

The case is posted to 30/05/2023 at 11.30 a.m.

Sd/-
Smt. Preetha P Menon
Member

Sd/-
Sri. P H Kurian
Chairman

/True Copy/Forwarded By/Order/



Secretary (Legal)

