



**KERALA REAL ESTATE REGULATORY AUTHORITY
THIRUVANANTHAPURAM**

Dated 27th October 2020

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

COMMON ORDER

IN

**COMPLAINTS NO: 31/2020, 32/2020, 33/2020, 34/2020, 35/2020,
36/2020, 37/2020, 38/2020, 39/2020, 40/2020, 41/2020, 42/2020,
43/2020, 44/2020, 45/2020, 46/2020, 47/2020, 48/2020, 49/2020,
50/2020, 51/2020, 52/2020, 53/2020, 54/2020, 55/2020, 56/2020,
57/2020, 58/2020, 59/2020, 60/2020, 61/2020, 62/2020, 63/2020,
64/2020, 65/2020, 66/2020, 67/2020, 68/2020, 69/2020, 70/2020,
71/2020, 72/2020, 73/2020, 74/2020, 75/2020, 76/2020, 77/2020,
78/2020, 79/2020, 80/2020, 81/2020, 82/2020, 83/2020, 84/2020,
85/2020, 86/2020, 87/2020, 88/2020, 89/2020, 118/2020, 157/2020.**

1. COMPLAINT NO: 31/2020

Complainant:

Dr. Sudhir.P
Tc 26/1839, PRA-G19, GPO Lane,
Sreyas, Trivandrum-695 001

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

2. COMPLAINT NO: 32/2020

Complainant:

Smt. Sapna Satheesan .K
W/o Krishna, kalathil House,
Manataala P.O, Chavakkad, Trissur

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

3. COMPLAINT NO: 33/2020

Complainant:

Sri. M.R Pushkaran & Mrs. T.V Santha
Madathingal House, "Shreyas",
Kacheripadi, Thalikulam P.O,
Thrissur-680569

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

4. COMPLAINT NO: 34/2020

Complainant:

Sri. K. Narendranathan
Krishnarpanam, Vāliyalukkal,
Kanimangalam, Thrissur- 680 027

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

5. COMPLAINT NO: 35/2020

Complainant:

Sri. Madhu K.K
S/o Kesavan Namboothiri, Kodakkattu House
Panchami House, Peramangalam Post, Thrissur-680545

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

6. COMPLAINT NO: 36/2020

Complainant:

Sri. T.K jayan
Thayyil House, Muriyamthode P.O,
Valapad, Thrissur- 680567

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

7. COMPLAINT NO: 37/2020

Complainant:

Sri. Sanoj V.V
Vellaparambil House, Pavarathy,
Thrissur- 680507

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

8. COMPLAINT NO: 38/2020

Complainant:

Sri. E.V Subramanian
W-7, Vrindabban W Block,
Kovaipudur, Coimbatore, Tamilnadu- 64104

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

9. COMPLAINT NO: 39/2020

Complainant:

Sri. S. Rajesh Kumar & Smt. C.A Anitha,
Arunika , Bhavana Nagar, 290 A,
Kadappakada P.O, Kollam

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

10.COMPLAINT NO: 40/2020

Complainant:

Sri. Remanan .s
Aswathy Nilayam, Vadakkekkara Kizhakku,
Pallippad P.O, Haripad,
Alappuzha- 690 512

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

11. COMPLAINT NO: 41/2020

Complainant:

Sri. G. Gopala Krishna Panicker & Smt.A Syamaladevi Amma
w/o Gopalakrishna Panicker
Vadakedathu House, Mannarasala P.O,
Haripad, Alappuzha- 690 514

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

12. COMPLAINT NO: 42/2020

Complainant:

Smt. R. Rajeswari & Smr. R. Sruthi
House No.86, "Pavithram",
Thampuran Nagar, Pulamon (po), Kottarakkara,
Kollam- 691531

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

13. COMPLAINT NO: 43/2020

Complainant:

Smt. O.Nirmala
w/o K.N RajaGopal, Akappurath House P.o,
Nhangattiri Desam, Thrithala, Ottapalam Taluk,
Pattambi- 679 311

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

14. COMPLAINT NO: 44/2020

Complainant:

Sri. Giri Prabha .R
PNRA 99, Puthenvedu, Palace Road,
Thevally P.o, Kollam- 691 009

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

15. COMPLAINT NO: 45/2020

Complainant:

Sri. Vijayan.E,
Edappat House, Kottanichery P.o,
Eachur, Kannur-670591

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

16. COMPLAINT NO: 46/2020

Complainant:

Smt. Chitra Gopalkrishnan
Flat No.E12, Door No. 1/871
Builtech Pavillion, Kadamkode, Palakkad- 678 013

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

17. COMPLAINT NO: 47/2020

Complainant:

Sri. Nanda Kumar N. Nair
Flat No. 604, Sunflower,
Gulmoharcity HSG-SOC, Kharadi,
Pune- 411014

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

18. COMPLAINT NO: 48/2020

Complainant:

Smt. S Usha
w/o R.M.D Kurup
Ushus, Santhi Nagar-216,
Ayathil P.o, Kollam- 691 021

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

19. COMPLAINT NO: 49/2020

Complainant:

Sri. A.P Aravindakshan
No.12, Gayathri Nilayam,
Keluskar Road North,
Shivaji Park, Mumbai- 400 028

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

20.COMPLAINT NO: 50/2020

Complainant:

Sri. S. Sujathan
Padmagiri, B84, Radha Krishna Lane,
Peroorkada P.o, Thiruvananthapuram-695 005

Respondent :

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

21. COMPLAINT NO: 51/2020

Complainant :

Smt. Shobhana Uthaman Nair
Dupilex No.14, Rai Town-1,

Opposite VIP Industries, Hingna Road,
Nagpur, Maharastra- 440016

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

22.COMPLAINT NO: 52/2020

Complainant:

Smt. Nisha Venugopal Nair & Sri. Venugopal Nair
G-108, Serenity Gardens,
CHS, Sector 6, Evershine city,
Vasai East, Palghar dts, Maharastra- 401208

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

23. COMPLAINT NO: 53/2020

Complainant:

Smt. C. Sanitha
16, Thendral Nagar, 5th Cross Natarajapuram,
South Extension, Thanjavur, Tamilnadu-613007

Respondent(s):

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

24. COMPLAINT NO: 54/2020

Complainant:

Sri. K. VijayaKumaranPillai
Enazhethu Vijayabhavan,
Thekkumbhagam, Chavara South P.O,
Kollam- 691584

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

25. COMPLAINT NO: 55/2020

Complainant:

Sri. P.G Subramanian
Navaneeth , 20/1275A,
V.K.K Menon Road, Panniyankara,
Kallai P.O, Calicut- 673 003

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

26. COMPLAINT NO: 56/2020

Complainant:

Sri. Sunil V. Nair & Smt Priya S. Nair
NL 6/18, Room No.01, Sector 15,
Nerul Navi Mumbai- 400706

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

27. COMPLAINT NO: 57/2020

Complainant:

Sri. Ravi P.T & Smt Leela Ravi
Reshma Nivas, Perumparamba P.o,
Edappal via, Malappuram-679 576

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

28. COMPLAINT NO: 58/2020

Complainant:

Sri. Smt. Indira P.v & Sri. Devadasan.O
Pilladiveettil House (po), Chorode,
Vadakara, Kozhikode-673106

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

29. COMPLAINT NO: 59/2020

Complainant:

Sri. M.T Joseph
S/o M.P Thoma
Mulakkal House, West Hill,
Mattom P.O, Thrissur-680602

Respondent(s):

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

30.COMPLAINT NO: 60/2020

Complainant:

Sri. A.M Balan
Krishnanjanam
Aringangattil House, Kallettum Kara, Thrissur

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

31.COMPLAINT NO: 61/2020

Complainant:

Sri. A.M Balan
On behalf of Girish Kumar Balan
Krishnanjanam
Aringangattil House, Kallettum Kara, Thrissur

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

32.COMPLAINT NO: 62/2020

Complainant:

Sri. Haridarsan V.K
Veliyathuparembil House, Kodussery,
Vattaparambu P.O, Ernakulam- 683 572

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

33. COMPLAINT NO: 63/2020

Complainant:

Sri. Jayasree Kumar S.Nair
Flat No.A 604, Rekhi Sai Daffodil Co op Hsg. Socy Ltd,
Plot No. 17 & 18, Sector 19, Kharagahar, Navi Mumbai-410 210

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

34. COMPLAINT NO: 64/2020

Complainant:

Sri. Sukumaran K.N
Flat No. 1701, Sunrise, Neptune Living Point,
LBS Road, Bhandup (w), Mumbai- 400078

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

35.COMPLAINT NO: 65/2020

Complainant:

Sri. Gopala Krishnan Nair & Smt Beena G. anir
Aradhana,Plavinkoottam Main Street(P.o)
Viyyur, Thrissur-680 010

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

36.COMPLAINT NO: 66/2020

Complainant:

Sri. A.A. Shreedharan
42, Krystal Blue ,11th Road, Santacruz(East),
Mumbai- 400055

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

37. COMPLAINT NO: 67/2020

Complainant:

Sri. Jayapalan
Eduvayil House, Kundaliyur,
Thrissur- 680616

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

38.COMPLAINT NO: 68/2020

Complainant:

Sri. N.V Namboothiri
Flat No.306, Saipriya Enclave,
Shivaji Nagar, Serilingam Paly, Hyderabad-19

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

39.COMPLAINT NO: 69/2020

Complainant:

Smt. Remadevi Gopinath
P.O Box – 37555, Manama Kingdom of Bahrain

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

40.COMPLAINT NO: 70/2020

Complainant:

Sri. Vasudevan K.G
House No.28, Sector-23,
Housing Board Colony (MIG), Faridabad,
Haryana-121005

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

41. COMPLAINT NO: 71/2020

Complainant:

Smt. Jayasree N.R
Killimangalam Mana, Elavally North,

Thrissur-680511

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Kharim]

42.COMPLAINT NO: 72/2020

Complainant:

Sri. V.K RadhaKrishnan
64A, Ambala Apartments Thiruvilwamala Post & Village,
Thalappilly Taluk, Thrissur- 680 588

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

43.COMPLAINT NO: 73/2020

Complainant:

Smt. Smitha Ajith Kumar
8/437, Rohini Bank Road, Aluva,
Ernakulam-683 101

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

44. COMPLAINT NO: 74/2020

Complainant:

Smt. Indu Menon
CLIVIA IB, Royale Habitat Apartment,
Sector-2, HSR Layout, Bangalore- 560102

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

45.COMPLAINT NO: 75/2020

Complainant:

Sri. Vinod Kumar Chakingal
Santhi Bhavan
Vadakkethara, Pazhayannur P.O,
Thrissur- 680 587

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

46.COMPLAINT NO: 76/2020

Complainant:

Sri. M. Nanda Kumar Menon
New Madathil (Ho)
Kanattukara (po), Thrissur- 680 011

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

47.COMPLAINT NO: 77/2020

Complainant:

Smt. Lathika Menon & Smt. Renuka Menon
340 N.S.C Bose Road, Kolkata-700 047

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

48.COMPLAINT NO: 78/2020

Complainant:

Smt. Rajani.P
M10, Sowparnika , Nethaji Nagar Extn,Phase 3,
5th Cross, Nanjundapuram Road, Coimbatore-36

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

49. COMPLAINT NO: 79/2020

Complainant:

Sri. Prajod Nambiar & Smt. Ambika Prajod,
Flat No. Sai Villa, Plot No.14,Vijay Marg,
New Panvel, New Bombay-410206

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

50.COMPLAINT NO: 80/2020

Complainant:

Sri. Sarath Kumar Nair & Smt. Vanaja Sharad,
Jr. HIG 271, Near Narula Garden, Ganesh Temple,
Tatiband , Raipur, Chattisgarh

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

51.COMPLAINT NO: 81/2020

Complainant:

Smt. K. Padmini
Sreepadam, Rose Nagar, Mannuthy P.O,
Thrissur

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

52. COMPLAINT NO: 82/2020

Complainant:

Smt. Sujatha Sasidharan
“ karthika”, Near Jeevan Prakash Auditorium P.O,
Thalioaramba, Kannur- 670141

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

53.COMPLAINT NO: 83/2020

Complainant:

Sri. Vijaya Kumar P.T
23/382, Harisree, Liberty Street, Pattambi- 679 303

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

54.COMPLAINT NO: 84/2020

Complainant:

Sri. K.P UdayaKumar
Kadampottupadeth House, Angadipuram P.O, 679321

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

55. COMPLAINT NO: 85/2020

Complainant:

Smt. Anitha P.R
Anugraham, Thekummuri P.O, Tirur-676 105

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

56.COMPLAINT NO: 86/2020

Complainant:

Smt. Vimal Kumar.M
S/o K.P.V Raman, Pathirikunnu P.O, Anandashram,
Kanhangad, kasargode-671 531

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

57.COMPLAINT NO: 87/2020

Complainant:

Smt. Jisha Sasi Menon
Silent Valley Apartment, Building No.27/8
(NL-5) Sector 11, Nerul Navi Mumbai- 400 706

Respondent:

Sri. Joju K.V
Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur
[By Advocate Sameer Kharim]

58.COMPLAINT NO: 88/2020

Complainant:

Sri. Dinesh Kumar
Poduval Nivas, West Nada, Navamukunda Temple,
Thirunavaya (po), Malappuram-676 30

Respondent:

Sri. Joju K.V

Proprietor, Akshaya Properties & Developers
Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

59.COMPLAINT NO: 89/2020

Complainant:

Sri. P.P Abdul Khader

S/o Sulaiman ,Parott House, PADNE, Kasargode- 671312

Respondent:

Sri. Joju K.V

Proprietor, Akshaya Properties & Developers

Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

60.COMPLAINT NO: 118/2020

Complainant:

Sri. Chandrasekharan C.K

E/701, Mercury Evershine Millenium Paradise,

Thakur Village, Kndivli(East), Mumbai-400101, Maharastra

Respondent:

Sri. Joju K.V

Proprietor, Akshaya Properties & Developers

Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

61.COMPLAINT NO: 157/2020

Complainant:

Dr. T.G Abhilash Babu& Smt. Kala Abhilash,

Thiyyathuparambil House, Nedupuzha P.O,

Kanimangalam, Thrissur- 680 027

Respondent:

Sri. Joju K.V

Proprietor, Akshaya Properties & Developers

Variyath Plaza, Marar Road, Round West, Thrissur

[By Advocate Sameer Kharim]

COMMON ORDER

1. As the subject matter, cause of action and reliefs sought in all the above complaints are one and the same as it is related to the same apartment project developed by the same Promoter, the said Complaints were being 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. It is noticed that an Association has been formed in the Project by Allottees. But no complaint has been filed so far by the Association separately. As it is a registered Association of Allottees, the Association could have filed a single complaint in the prescribed manner on behalf of all the allottees. In the absence of such a complaint, the Authority considered all the complaints together and decided to pass this common order.

2. The Complainants are allottees of a real estate project named 'Akshaya Agraharam' consisting of 120 apartments with 15 apartments in each floor situated in 61.27 cents of land at Guruvayoor Village, Chavakkad Taluk in Trissur District developed and promoted by the Respondent Mr. Joju K V, Proprietor, Akshaya Properties & Developers. The construction works started in the year 2010 and relying on the assurances and promises given by the builder that the property is completely free from encumbrance and the project shall be completed within Two years from the date of agreement entered into between the Complainants and the Respondent, the above Complainants purchased apartments in the said project. As per the agreement terms, the builder shall complete the whole project with all the amenities and facilities within the specific time period shown in the agreement and if it is violated by the Respondent, he shall return the amount received from the Complainants with interest. The Complainants allege that despite fulfillment of all the terms

and conditions from their part, the Respondent neither completed the project within the time limit nor refunded the amount with interest as per the terms of the agreement. The construction started in the year of 2010 and most of the Complainants executed their agreements in the same year. The Complainants states that 90% of the work in the project has been completed by September 2019 after which no work has been carried out by the Respondent, due to shortage of fund. The pending works are related to electrical connection, water connection and septic tanks and as per the estimate of the Respondent Builder, Rs. 1.5 Crores is required to complete the pending works. Out of 120 flats, 90 flats have been sold out and an amount of around 50 lakhs is due from the existing allottees, as final instalments. The Association was formed by the Allottees in December 2018 and the Association convened several meetings with the Respondent Builder to solve issues and even offered that if the incomplete flats are getting registered in the name of the Association, they will complete the project with their own additional funds. At that time the Respondent disclosed that it was not possible because he had taken a project loan from Irinjalakuda Co-operative Bank and the original documents are with the Bank. When the Complainants approached the Bank, it is understood that the outstanding amount as on November 2019 was around 9 Crores and the Respondent Builder was not paying the installments regularly and it became NPA case and the Bank was going to take over the apartment complex immediately. The relief sought by the Complainants is for a direction to the Respondent to hand over the apartment at the earliest and also to pay interest on the amount paid for the period of delay in handing over the project. They also pray for a compensation for the loss sustained to them.

The copies of agreement submitted by the Complaints are marked as **Exbt.A1 to A59.**

3. The Respondent appeared but not filed any counter/reply statement to the complaint.

4. As it is found that the Project is not completed and Occupancy Certificate has not been obtained for the Project so far, we have directed, as per our Interim Order dated 05.10.2020, the Respondent to submit application for registration of the Project as per the provisions under Section 3 of the Real Estate (Regulation & Development) Act 2016(hereinafter referred to as "the Act"). But the Respondent neither complied with the said direction issued by the Authority nor submitted any explanation so far for the violation of said order. In this regard, the Authority has decided to issue a separate Show Cause Notice to the Respondent for non-registration of project as well as violation of orders passed by this Authority, which amounts to offences punishable under Sections 59 & 63 of the Act and it will be considered separately.

5. It was also directed, as per the abovesaid Interim Order, the Respondent to arrange a meeting with Association of allottees and officials of co-operative bank from where the project loan has been availed, so as to decide the manner of settling the loan, list out the works to be completed and calculate the amount required for completing project as committed to allottees and submit the minutes of meeting before this authority. In compliance of said direction, the Respondent produced the minutes of meeting held on 12.10.2020 [Exbt.B1]. As per the Meeting minutes, the Bank has informed that they are ready to co-operate with any solution put forward by the Association or the builder to complete the project and they are ready to handover the property when their loan of 9.83 Crores is settled. The Respondent/Builder stated that 1.5 Crores is enough to complete the project, if the same contractors are

entrusted the works. The Association informed that the allottees are ready to invest further amounts to complete the project if a written guarantee by the Bank is given to Association that the Bank should give sufficient time for completion and also the registration of the property to buyers when the loan is settled. The GM of the Bank also assured that they would do everything possible for settlement of issues provided a workable scheme to be put before them for approval. The Respondent Builder confirmed that an amount of one Crore is due from the existing buyers as final instalment and an amount Eight Crores is to be received from the unsold 30 flats.

6. It is noted that the Respondent have not executed any sale deeds so far in favour of the Complainants despite receiving almost full amounts of consideration from them. It is also worthwhile to note that the Respondent has not obtained the Occupancy Certificate from the local authority for this project till date but many of the apartments are occupied by the allottees without even getting final Fire NOC from the Fire & Rescue Department. The Respondent did not submit any sufficient explanation in this regard. Without getting these mandatory clearances, how could the Builder give possession of apartments to the allottees? If any mishaps happened, the Builder alone will be liable for criminal negligence. The Authority takes a very serious view on such derelictions from the part of the Respondent/Builder.

7. During the hearing the Respondent requested a time period of One year for completion of the project in all respects and handing over it to the allottees. He assured that he will get the loan re-scheduled and release the property from mortgage. The Complainants also agreed to wait for this period, subject to conditions being imposed by this Authority. Hence invoking Section 34(f) & 37 of the Act, we have decided to issue directions as follows:

(1) The Respondent shall complete and hand over, the project 'Akshaya Agraharam' with all the sanctions / approvals required to be received from the Authorities concerned, all the amenities and facilities as committed to the allottees and complete all the registrations of sale deeds related to individual apartments to buyers and common area to the Association, within One year from the date of this order.

(2) The Respondent shall also submit an affidavit before the Authority confirming the period of completion as stated above and also submit a Work Schedule showing clearly, the stage wise completion of pending works as well as settlement of issues with the Bank, within 15 days from the date of receipt of this order,

(3) The Association shall monitor the progress of works and make sure that it is being carried out as per the Work Schedule. In case of any failure from the part of the Respondent, the Association can approach this Authority.

8. In the event of any non-compliance of this order by the Respondent, this Authority shall initiate severe penal actions as provided under the Act.


9. This order is issued without prejudice to the right of the Complainants to approach the Authority for compensation, for the loss sustained to them, in accordance with the provisions of the Act and Rules.

Sd /-
Smt. Preetha P Menon
Member

Sd/-
Sri. P H Kurian
Chairman



True Copy/Forwarded By/Order/


Secretary (legal)