



KERALA REAL ESTATE REGULATORY AUTHORITY

THIRUVANANTHAPURAM

Complaint No.85/2022

Present: Sri. M.P Mathews, Member

Dated 11th April, 2022.

Complainants

Infra Aspire Owners Association,
Near VSNL Bhavan Muttathukattil Road,
Kakkanad, Ernakulam-682030.
Represented by its Secretary Vishal Koshy.

Respondents

1. M/s. Infra Housing Pvt. Ltd.
1st Floor, C.L.S Building, M.G Road,
Ernakulam- 682011.
2. Mr. George E George
Director, M/s. Infra Housing Pvt. Ltd.
1st Floor, C.L.S Building, M.G Road,
Ernakulam- 682011.
3. John George
Director, M/s Infra Housing Pvt. Ltd
1st Floor, C.L.S Building, M.G Road
Kochi- 682011.

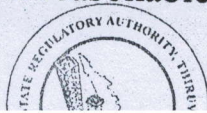


The above Complaint came up for virtual hearing today. The Complainant and the 2nd Respondent attended the hearing.

ORDER

1. The facts of the case is as follows:- The project named 'Infra Aspire Apartments' were handed over to the Complainant in March 2012. 71 Apartments were sold by the Respondents and the possession was handed over to the owners on various dates. The maintenance deposits for the 71 apartments were handed over to the Complainant association. The Company failed to handover the maintenance deposit for Flat No.12E saying that apartment is under dispute and yet to be handed over. The association was collecting maintenance charges since 01/04/2012 from the 71 apartments for the maintenance and upkeep of the apartment complex. The association demanded the Respondents to pay the maintenance charges for the apartment 12-E as they are the owner of the apartment till the apartment is registered in the name of the buyer. As the Respondents didn't pay the maintenance charges, the association issued letters to them demanding payment of maintenance charges for the said apartment.

2. The Relief sought by the Complainant association are :- 1) Payments of arrears of maintenance charges amounting to Rs.2,45,800/- accrued from 01/04/2012 to 31/03/2022. 2) Payment of reasonable interest on the above amount.




3) continued payment of maintenance charges till the apartment is registered in the name of a buyer as soon as demand is raised by the association.

3. Heard both sides in detail on 11/04/2022. The said project is not registered with the Authority. It is clear from the facts of the case that the Respondent is considered as an Allottee by the Complainant Association and maintenance charge due along with interest is claimed. Under the Act, association represents the Allottees and can file complaints under section 31. However the Authority has no jurisdiction to consider Complaints against Allottees claiming maintenance charges and the Complaint is dismissed as not maintainable.

Sd/-
Sri M.P Mathews
Member

/True Copy/Forwarded By/Order


Secretary (legal)

