

KERALA REAL ESTATE REGULATORY AUTHORITY
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Present: Sri. P H Kurian Chairman.

No. T1/OL/EX/003/2024

Dated 22nd March 2023.

Applicant: M/s. Alka Ventures
TC 36/1690-1, ERA-135,
'Meena', Subash Nagar,
Enjakkal Jn, Vallakkadavu,
Thiruvananthapuram.
Kerala – 695 008.

ORDER

1. The Kerala Real Estate Regulatory Authority issued project registration to the real estate project 'Alka Sky wings Phase 1' promoted by 'M/s. Alka Ventures Pvt Ltd' as per the Certificate No. K-RERA/PRJ/184/2021 dated 07.07.2021 under section 5 of the Real Estate (Regulation and Development) Act, 2016. The registration expired on 30.06.2022. The extension of registration for six months was notified under the general order No. K-RERA/T3/102/2020 dated 15.05.2020, in connection with the Covid pandemic, has been added to this project at the time of initial registration. The extension of registration for a further period of six months notified under the general order No. K-RERA/T3/102/ 2020 dated 19.07.2021, in connection with the Covid pandemic, was also availed by the promoter, and the registration was extended up to 30.12.2022.

2. However, the promoter failed to complete the project within the extended time granted by the Authority under force majeure, as per Section 6 of the Act, 2016. Accordingly, the promoter submitted a formal application in Form-E for an extension of the project registration and stated that, due to the impact of the COVID-19 pandemic, progress on the project had been affected. The permit's validity had lapsed, and the promoter sought to renew it. A detailed progress report of the project was submitted, asserting that the project could be completed within one year. Consequently, the Authority granted an extension of the project from 31.12.2022 to 30.12.2023, with specified conditions. However, the promoter failed to complete the project within the extended time limit.

3. Meanwhile, the Authority heard a complaint from the Skywings Members Society, represented by its Secretary, Jagadeesan B Nair, regarding the non-completion of this project. The Authority heard the matter and reviewed the affidavit filed by the promoter along with the counter to the complaint, which stated that the project would be completed on or before 31.08.2024, with all common area amenities. According to the project's webpage on the Authority's web portal, 88% of the works have been completed. However, the Authority is not satisfied with the progress of the work of the project, even though the time has been extended. During the hearing of the complaint, the promoter requested a further extension of the registration of the project. As per the provision in Section 6 of the Act, 2016 and the Authority's order No. K-RERA/T3/102/2023 dated 04.02.2022, the Authority cannot grant a further extension of more than two years.

4. In the above circumstances, the Authority reviewed the situation to safeguard the interests of allottees and to avoid the undue hardships arising from the non-completion of the project if the Authority would proceed with the steps for revocation of the registration under Section 7 of the Act, 2016. Hence the Authority decided to consider the extension of registration under the provisions of section 7(3) of the Act. As per the proviso to Section 7 (3) of the Act, 2016, the Authority may, instead of revoking the registration under sub-section (1) permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of allottees. Such terms and conditions so imposed shall be binding upon the promoter. In this context, the Authority also reviewed the affidavit filed by the promoter in Complaint Number 131/2021, which assures the completion and handover of the project on or before 31.08.2024, with all common amenities. This is subject to additional terms and conditions that are assured in the hearing of complaint number 131/2021. Accordingly, the promoter submitted the application for the extension of the registration for one year from 31.12.2023 in Form No. E with the required fee of Rs.7,41,456.13/- (Rupees Seven Lakh Forty-One Thousand Four Hundred and Fifty-Six and Thirteen paise only).
5. As directed by the Authority, Sri. Manoj, the Project in charge of the Promoter Company, attended the hearing held on 29.02.2024 at the headquarters of the Authority. He asserted that the project would be completed within the specified time limit and in compliance with the provisions of the Act, 2016. The Authority examined the project webpage on the Authority's web portal, indicating that 88% of the project works have been completed at this stage.

6. Considering the aforementioned facts and circumstances of the case, the Authority, exercising the powers conferred under Section 7(3) of the Act, 2016, has decided to extend the registration of the real estate project '**Alka Skywings Phase 1**' from 31.12.2023 to 30.12.2024 with specified conditions.
- i. The valid building permit needs to be uploaded on the portal of the Authority.
 - ii. The extended period shall not affect any of the rights of the allottees envisaged in the Act, 2016.
 - iii. The promoter shall complete the project in all respects within the extended period.
 - iv. The occupancy certificate shall be obtained within the extended period and shall be uploaded to the 'web portal' of K-RERA.
 - v. The promoter shall also transfer / hand over the common area and the documents of the project to the Association of allottees, after the completion of the project as promised to the allottees.
 - vi. After the completion of the project, the Form No. 6 shall be uploaded by the promoter to the web portal of K-RERA.

Sd/-
P H Kurian
Chairman

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Secretary (Technical & Administration)

