

MANNER OF FILING COMPLAINTS

Any aggrieved person can file a complaint with the Authority or the Adjudicating Officer, as the case may be, for any violation or contravention of the provisions of this Act or the Rules and regulations made thereunder against any Promoter, Allottee or Real Estate Agent, as the case may be.

I. Complaint before the Authority:

(1) Any aggrieved person may file a complaint with the Authority, under Section 31 of the Act read with Rule 37 save for any violation under the Act or the Rules and Regulations made there under as those provided to be adjudicated by the Adjudicating Officer, in **Form M** of Rule 36 (1) which shall be accompanied by a fee of **Rs. 1,000/-**. The payment of fees shall be in the form of **Demand Draft** drawn on a Scheduled Bank payable at Thiruvananthapuram in favour of the “Kerala Real Estate Regulatory Authority”.

(2) The aggrieved person/persons shall submit **Three (3) sets** of complaints and **sufficient number of copies required to be sent to the respondents** along with supporting documents to the Authority by registered post or in person in office. After implementing the web-based system, the Authority shall not receive hard copies of complaints in the abovesaid manner.

(3) The complaint shall be presented either in person by the applicant himself or through an advocate as contemplated under Section 56 of the Act, and if through an advocate, necessary vakalat duly attested with

enrollment number and with affixture of court fee stamp as well as Advocate Welfare Fund stamp as prescribed in the civil court procedure, as the case may be, shall be filed.

(4) An authorized representative other than advocate shall furnish an authorization and such authorization shall contain the address of the representative with all particulars of e-mail address or mobile number for proper communication.

(5) When a number of complaints are made to the Authority based on similar facts and seeking the same or similar relief against the same promoter in the same project, the Authority shall ordinarily club all such complaints and dispose them in common proceedings.

(6) The designated officer of the Authority may, at any time, call upon the party to produce such further materials as and when he is directed by the Authority in this regard.

II. Complaints before the Adjudicating Officer:

(1) Whereas, the Rule 37 of Kerala Real Estate (Regulation & Development) Rules, 2018 read with Section 31 of Real Estate (Regulation & Development) Act, 2016, prescribes the manner of filing complaints, for adjudging compensation under **Section 12, 14, 18 and 19** of the Act, before the Adjudicating Officer and the manner of holding an enquiry.

Provided that those complaints which are numerous and based on similar facts and praying for same relief sought against the single promoter, all those complaints shall be clubbed and disposed in common proceedings.

(2) Any aggrieved person may file a complaint in the prescribed **FORM-N** with adequate number of copies to be served upon each respondent with the Adjudicating Officer for compensation under Section 12, 14, 18 and 19 of the Act read with the Rule 37 and Regulations made there under, save as those provided to be adjudicated by the Authority, which shall be accompanied by a fee of Rs. 1,000/- remitted in the form of demand draft drawn on a Scheduled Bank payable at Thiruvananthapuram in favour of the “Kerala Real Estate Regulatory Authority”. The aggrieved person has to submit his application along with supporting documents by registered post or in person in the office of the Authority.

(3) The application shall be presented either in person by the applicant himself or through an authorized representative as contemplated under Section 56 of the Act. Necessary vakalat or Memo of authorization duly attested with affixture of applicable court fee stamp as well as Advocate Welfare Fund stamp, as the case may be, on it shall be filed. And such authorization shall contain the address of the representative with particulars such as Enrolment Number or Registration Number as well as e-mail id & mobile Number for proper communication. The original of such letter of authorization shall also be produced for verification at the time of filing.

(4) The party who has engaged a legal practitioner or any other authorized representative to appear for him before the Authority/the Adjudicating Officer shall not be entitled to be heard in person unless permitted by the Authority.