

MANNER OF FILING COMPLAINTS

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Government of India has enacted the Real Estate (Regulation and Development) Act 2016 and all the sections of the Act come into force with effect from 1st May 2017. As per the powers conferred by the Act, Government of Kerala established Kerala Real Estate Regulatory Authority (K RERA) for regulation and promotion of real estate sector in the State of Kerala. Real Estate (Regulation and Development) Act 2016 is a step towards reforming the real estate sector in India, encouraging greater transparency, citizen centricity, accountability and financial discipline and to protect the interest of the consumers.

As per Section 31 of the Act, any aggrieved person can file a complaint with K-RERA (Kerala Real Estate Regulatory 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. Any claim for compensation under Section 12, 14, 18 and 19 of the Act shall be filed before the Adjudicating Officer and all other complaints regarding violation of any provisions of the Act shall be filed before the Authority.

I. Complaint before the Authority:

1. Any aggrieved person can file a complaint with the Authority, under Section 31 of the Act read with Rule 36, in **Form M** annexed with the Kerala Real Estate (Regulation & Development) Rules, 2018 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**”. Each and every column/para should be neatly typed using additional papers/sheets wherever necessary.

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.
3. The complaint shall be presented either in person by the applicant himself or through an Advocate or an Authorized Representative as contemplated under Section 56 of the Act, and if through an Advocate, necessary Vakalath 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, shall be filed. The e-mail id and contact number of the complainants or their advocate/authorized representative shall be given with the complaint.
4. An authorized representative other than Advocate shall furnish Memo of Authorization in **Form 7** (annexed to the Regulations) containing 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 submitted 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 together and pass a common order.
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. As per Rule 37 of Kerala Real Estate (Regulation & Development) Rules, 2018 the aggrieved persons can file claims for compensation as provided under Section 12, 14, 18 and 19 of the Act, before the Adjudicating Officer.
2. Provided that those claims are numerous and based on similar facts and praying for the same relief sought against the same promoter, all those complaints shall be clubbed and disposed of in common proceedings.

3. Any aggrieved person may file a claim for compensation in the prescribed **FORM-N** (additional sheets can be used) 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 Rule 37 and Regulations made thereunder, 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 a 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.
4. 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 vakalath 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.
5. 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.

After getting notice of the complaint, the Respondents shall appear for the hearing along with their Counter Statement. All the parties shall produce copies of documents, if any, to support their case/claim/contentions, along with the complaint/counter statement itself.