



**KERALA REAL ESTATE REGULATORY AUTHORITY**  
**TC 25/1379, CRA D-112, Near Pentecostal Church,**  
**Plamoodu-Charachira Road, Thiruvananthapuram-695003.**

**[www.rera.kerala.gov.in](http://www.rera.kerala.gov.in)**

Phone Number: 9497680600 email- [legal.rerakerala@gmail.com](mailto:legal.rerakerala@gmail.com)

**No.3271/K-RERA/2021**

**Dated: 22.12.2021**

## **Public Notice**

**Sub:** Review of Public Notice No. 2272/KRERA/2021 dated 31/8/2021 -  
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**Ref:** 1. Public Notice No. 2272/KRERA/2021 dated 31/8/2021.  
2. Judgment dated 11/11/2021 in M/S Newtech Pomoters  
and Developers Pvt. Ltd. Vs. State of UP & others.

Vide public notice referred 1<sup>st</sup> above it is clarified that complaints in which the relief sought is for refund of advance amount with interest and compensation, the claim shall be filed in Form N before the Adjudicating Officer attached to KRERA. But now the Hon'ble Supreme Court in its judgment dated 11/11/2021 in M/S Newtech Pomoters and Developers Pvt. Ltd. Vs. State of UP & others (CA Nos 6745-6749 of 2021 )held that,-

“...a conjoint reading of sections 18 and 19 clearly manifest that when it comes to refund of amount and interest on the refund amount, or directing payment of interest for delayed delivery of possession, or penalty and interest there on, it is the regulatory authority which has the power to examine and determine the outcome of a complaint”.

In view of the decision of the Hon'ble Supreme court in the above case, Public Notice referred 1<sup>st</sup> above hereby cancelled and following clarification issued with respect to the relief of refund, delay interest and Compensation specified Section 12, 14, 18(1)(b) and 19 of the Act, 2016 in Complaints of Form M/Form N,-

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Email:info.rera@kerala.gov.in

- (i) The claim for refund, delayed interest and compensation specified in Section 12, 18(1)(b) and 19 of the Act, 2016 shall not be clubbed together.
- (ii) Claim for refund and interest for delay for the amount paid to the builder due to the delay in completion of work coming under Section 12, 18(1)(b) and 19 of the Act shall be filed in Form M before the Authority.
- (iii) The claim for compensation under Section 12, 14, 18 and 19 of the Act, 2016 shall be filed before the Adjudicating Officer in Form N.
- (iv) In all the above cases the detailed calculation statement showing the amount due, due date, rate of interest etc shall be attached with the complaint, otherwise the complaint shall be treated as defective.

Sd/-  
Smt. Preetha P Menon  
Member

Sd/-  
Sri. M P Mathews  
Member

Sd/-  
Sri. P H Kurian  
Chairman

/True Copy/Forwarded By/Order/



  
Secretary (legal)