



**KERALA REAL ESTATE REGULATORY AUTHORITY
THIRUVANANTHAPURAM**

Complaints No. 100/2023

Present: Sri. P H Kurian, Chairman.

Smt Preetha P Menon, Member

Dated 3rd July, 2023

Complainants

Jagannath Sadasivan
Ambadi House No. 7,
Easwaran Thampi Nagar,
Mukkolockal, Kallayam P O,
Thiruvananthapuram- 695043

[By Adv. Suresh Kumar N]

Respondents

1. M/s GIE Homes
Great India Estates Pvt Ltd
Grand Asteria Apartments,
Kowdiar Gardens,
Behind Golf Club,
Kowdiar P O, Trivandrum-3
Represented by its Managing Director
2. E M Najeeb
Chairman
Corporation Buildings
Palayam, Vikas Bhavan P O,



Thiruvananthapuram- 23

3. E Iqbal
Managing Director,
Corporation Buildings,
Palayam, Vikas Bhavan P O,
Thiruvananthapuram-23
[By Adv. Sameer Karim]

The Counsel for the Complainant Adv. Suresh Kumar and the counsel for the Respondent Adv. Sameer Karim attended the hearing directly. The Respondent company's Managing Director, Mr. E. M Najeeb, attended the hearing virtually.

ORDER

1. The Complainant is an allottee in the project "ROYAL ORCHID" developed by the Respondents. The relief sought is to direct the Respondents to complete the construction and handover the apartment including the common area, to direct the Respondents to provide all the utilities and also to obtain the occupancy certificate on completion of the project. The Authority, in Complaint No. 136/2020 which was filed by the association of allottees in the same project, issued an order dated 19/11/2020 directing the Respondent to complete and hand over, the project 'GIE ROYAL ORCHID' with all the sanctions/approvals required to be received from the Authorities concerned, all the amenities and facilities as committed to the allottees and to complete all the registrations of conveyance deeds related to individual apartments to buyers and common area to



the Association and also to handover all the documents such as copies of joint venture agreement, title deeds, permits/sanctions, technical drawing related to the project on or before 31.12.2021. The Association was directed to monitor the progress of work and to make sure that the work is being carried out as per the Work Schedule and it was also stipulated that in case of any failure on the part of the Respondent to comply with order the Association can approach this Authority and seek intervention. It was also stipulated that in the event of any non-compliance with the order by the Respondent, this Authority shall initiate severe penal actions as provided under the Act, 2016.

2. The Complainant Association in C No. 136/2020 approached the Authority with an I A 22/2021, in which it was submitted as follows: The above directions have not been complied with by the Respondent/Promoter and there was no sign of resuming works as per the schedule submitted by the Respondent before the Authority. Not even 10% of the OTS (one-time settlement) with the SBI has been remitted to the Bank so far. No escrow account was opened by the Respondent and no periodical meetings as assured before the Authority was conducted, copies of renewed building (corporation) permit and the RERA Registration certificate was not supplied to the Association. As there were failures, non-compliance and deliberate contempt of the order of authority by the Respondent, the Complainant requested urgent intervention from the



Authority. The said application is still pending consideration of this Authority.


3. The Authority noticed that an order has been already passed by this Authority directing the Respondents to complete the same project, after considering the complaint filed by the allottees of the said project who are the members of the Complainant Association. The Complainant herein is also a member of the Association. As the above said Complaint is having the same cause of action no separate intervention is needed in this Complaint as it is clearly hit by the *principle* of 'Res-judicata' as per section 11 of Code of Civil Procedure, 1908. The common order dated 19/11/2020 is applicable to all the allottees including the Complainant herein in the Project "ROYAL ORCHID" and the application submitted by the Complainants are still under consideration of the Authority. Hence, no further order/action is required in this Complaint separately.

The Complaint is hereby dismissed.

Sd/-
Smt. Preetha P Menon
Member

Sd/-
Sri. P H Kurian
Chairman

/True Copy/Forwarded By/Order/


Secretary (Legal)