



KERALA REAL ESTATE REGULATORY AUTHORITY

THIRUVANANTHAPURAM

Complaint Nos.277/2021

Present: Smt. Preetha P.Menon, Member.

Dated 8th April, 2024

Complainant

P.B Manickam,
Santhi Bhavan,
T.B.Road,
Changanassery,
Kottayam-686 101.

Respondents

1. M/s Galaxy Homes Pvt. Ltd,
Galaxy Square, 6th Floor,
Rajaji Road junction, M.G Road,
Ernakulam- 680 035.
(Represented by Managing Director)
2. P.A Jinas
Managing Director,
M/s Galaxy Homes Pvt. Ltd,
Galaxy House, Deshabhimani Road,
Ernakulam-682017.



ORDER

When the above case was posted for hearing on 25/07/2022, 02/12/2022, 31/03/2023 & 03/10/2023 the Complainant was continuously absent. On 06/10/2023 a notice was issued to him and informed that in default of his appearance on the next posting date, the above Complaint will be dismissed. But during the last two hearings scheduled on 16/01/2024 and 08/04/2024 also the Complainant did not appear or he was represented by anybody. Hence the above Complaint is hereby dismissed for default.

Sd/-

Smt. Preetha P Menon
Member

True Copy/Forwarded By/Order



Secretary (legal)



**KERALA REAL ESTATE REGULATORY AUTHORITY
THIRUVANANTHAPURAM**

Present: Smt. Preetha P Menon, Member

**EP No. 80/2024
in
Complaint No. 277/2022**

Dated 20th March, 2025

Decree Holder/Complainant

P.B Manickam,
Santhi Bhavan,
T.B.Road,
Changanassery,
Kottayam-686 101.

(By Adv.Rajasekharan)

Judgement Debtors/Respondents

1. M/s Galaxy Homes Pvt. Ltd,
Galaxy Square, 6th Floor,
Rajaji Road junction, M.G Road,
Ernakulam- 680 035.
(Represented by Managing Director)
2. P.A Jinas
Managing Director,
M/s Galaxy Homes Pvt. Ltd,



Galaxy House, Deshabhimani Road,
Ernakulam-682017.

The above Execution Petition came up for hearing on 20/03/2025, for which the counsel of Decree Holder attended the hearing. The Judgement Debtors did not attend the hearing or represented through any counsel.

ORDER

1) The Decree Holder is the Complainant in Complaint No. 277/2021 in which the Authority issued an order dated 01/10/2024 in the said Complaint and directed as follows: “The Respondents No. 1 & 2 shall pay to the Complainant, simple interest @ 17.15% per annum, (a)for Rs.35,82,000/- the amount paid before 31/03/2017 (the promised date of completion), for every month from 01/04/2017 till 04/04/2022 and (b) for the amounts paid after 31/03/2017 (the promised date of completion), for every month from the date of each payment as mentioned in the table inserted above till 04/04/2022. It was also stipulated that if the Respondents No. 1 & 2 fail to pay the aforesaid amount of interest as directed above, within a period of 60 days from the date of receipt of this order, the Complainant is at liberty to recover the amount from the above Respondents and their assets by executing



this decree in accordance with the Real Estate (Regulation & Development) Act and Rules.

2) When the above Execution Petition came up for hearing, the counsel for the Decree Holder only attended and submitted that the order dated 01/10/2024 issued by this Authority has not been complied with so far by the Judgement Debtor and has prayed to take appropriate action under sec 40 & 63 of the Act against Judgement Debtor for recovery of amount from their assets. The Judgement Debtor has not preferred any appeal against the said order till now. It was also submitted by the counsel that the Respondent/Promoter is trying to alienate the unsold flats. Hence, it was decided by this Authority to restrain the Respondent/Promoter from doing the same till receiving of the amount from them.

3) In view of the order dated 01/10/2024, the Authority holds that the Decree Holder is entitled to recover simple interest @ 17.15% per annum, (a) for Rs.35,82,000/- the amount paid before 31/03/2017 (the promised date of completion), for every month from 01/04/2017 till 04/04/2022 and (b) for the amounts paid after 31/03/2017 (the promised date of completion), for every month from the date of each payment as mentioned in the table inserted above till 04/04/2022. As provided under section 40 of the Real Estate (Regulation & Development Act, 2016, read with Rule



26 of the Kerala Real Estate (Regulation & Development) Rules, 2018, the recovery of all amounts including interests, penalty and compensation shall be carried out as per the provisions of the Revenue Recovery Act, 1968. According to Section 40 (1) of the Act, 2016 “ *If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue. Rule 26 of Rules 2018 specifies that “Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out as per the provisions of Revenue Recovery Act 1968 (Act 15 of 1968)”*”.

4) Hence, it is hereby ordered to proceed as provided under the aforementioned provisions of the Act 2016. The Secretary (Legal) of the Authority shall issue Revenue Recovery Requisition to the District Collector, Ernakulam, against the property of the Judgement Debtor/Respondent, details of which are furnished by the Decree Holder, along with the above Petition.

5) The Respondents/Promoters are hereby restrained from alienating any unsold flats in the Project in



question “Galaxy- Cloud Space” located at Kakkanad, Ernakulam till the recovery of the amount which is liable to be paid by them, as per the order dated 01/10/2024 passed by this Authority. A copy of this order shall be furnished urgently to the sub-registrar concerned and the copy of this order shall be exhibited on the registration web page concerned of the project in question in the web portal of the Authority.

Sd/-
Preetha P Menon
Member

/True Copy/Forwarded By/Order/



Secretary (Legal)

