

CNR : KLHC010520302026



2026:KER:55299

WPC.No.24034/26&24977/26

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 23RD DAY OF JULY 2026 / 1ST SRAVANA, 1948

WP(C).NO. 24034 OF 2026

PETITIONER:

**RENNEY GEO VARGHESE,
AGED 47 YEARS,
S/O.JOSEPH VARGHESE, RESIDING AT KUNNUMMEL HOUSE,
EDAYAR P.O., MUVATTUPUZHA,
ERNAKULAM, PIN - 686 662.**

BY ADV SHRI.NASEER MOIDU

RESPONDENTS:

- 1 THE KERALA REAL ESTATE REGULATORY AUTHORITY (K-RERA)
TRINITY CENTRE, OPPOSITE CHAITANYA EYE HOSPITAL,
KESAVADASAPURAM P.O., THIRUVANANTHAPURAM
DISTRICT, PIN - 695 004.**
- 2 THE SECRETARY (LEGAL),
THE KERALA REAL ESTATE REGULATORY AUTHORITY (K-RERA), TRINITY CENTRE, OPPOSITE CHAITANYA EYE
HOSPITAL KESAVADASAPURAM P.O., THIRUVANANTHAPURAM
DISTRICT, PIN - 695 004.**
- 3 K.P.KRISHNA VARMA,
AGED 80 YEARS,
S/O.P.K.RAVI VARMA, RESIDING AT CHAITHANYA
PURATHE MADOM, LAYAM ROAD, TRIPUNITHURA P.O.,
ERNAKULAM, PIN - 682 301.**

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- 4 **ANGLEPLUS PROJECTS PVT. LTD.,
APARTMENT NO.5D, TOWER-1 DD PLATINUM PLANET,
KATHRIKADAVU ROAD, THAMMANAM P.O., PIN - 682 032.**

- 5 **SUJESH SATHYANDRAN,
AGED 50 YEARS,
S/O.K.SATHYANDRAN, RESIDING AT APARTMENT NO.5D,
TOWER-1 DD PLATINUM PLANET, KATHRIKADAVU ROAD,
THAMMANAM P.O., PIN - 682 032.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23.07.2026, ALONG WITH WP(C).24977/2026, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 23RD DAY OF JULY 2026 / 1ST SRAVANA, 1948

WP(C) NO. 24977 OF 2026

PETITIONERS:

**SINDHU M. PODUVAL,
AGED 47 YEARS,
W/O.E.K.MADHUSOODANAN, RESIDING AT 5/503,
SARVODAYA ASHISH SOCIETY MIDC ROAD, CHOLE GAON,
THAKURLI EAST THANE, MAHARASHTRA, PIN - 421 201.**

BY ADV SHRI.NASEER MOIDU

RESPONDENTS:

- 1 THE KERALA REAL ESTATE REGULATORY AUTHORITY (K-RERA)
REPRESENTED BY ITS SECRETARY, TRINITY CENTRE,
OPPOSITE CHAITANYA EYE HOSPITAL, KESAVADASAPURAM
P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 004.**
- 2 THE SECRETARY (LEGAL),
THE KERALA REAL ESTATE REGULATORY AUTHORITY (K-RERA), TRINITY CENTRE, OPPOSITE CHAITANYA EYE
HOSPITAL KESAVADASAPURAM P.O., THIRUVANANTHAPURAM
DISTRICT, PIN - 695 004.**
- 3 K.P.KRISHNA VARMA,
AGED 80 YEARS,
S/O.P.K.RAVI VARMA, RESIDING AT CHAITHANYA
PURATHE MADOM, LAYAM ROAD, TRIPUNITHURA P.O.,**

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ERNAKULAM, PIN - 682 301.

- 4 ANGLEPLUS PROJECTS PVT. LTD.,
REPRESENTED BY ITS DIRECTOR, APARTMENT NO.5D,
TOWER-1, DD PLATINUM PLANET, KATHRIKADAVU ROAD,
THAMMANAM P.O., PIN - 682 032.**
- 5 SUJESH SATHYANDRAN,
AGED 50 YEARS,
S/O.K.SATHYANDRAN, RESIDING AT APARTMENT NO.5D,
TOWER-1 DD PLATINUM PLANET, KATHRIKADAVU ROAD,
THAMMANAM P.O., PIN - 682 032.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
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JUDGMENT

[WP(C) Nos.24034/2026, 24977/2026]

In both these cases, the petitioners are the complainants before the 1st respondent-Kerala Real Estate Regulatory Authority (K-RERA). In these cases, the grievance highlighted by the petitioners are relating to the rejection of their complaints, as evidenced by Ext.P1 in both these writ petitions, holding that the said complaints are not maintainable. Ext.P2 in both these cases are the orders passed by the K-RERA in this regard, where a detailed discussion on the merits of the matter was made and ultimately held that, those complaints are not maintainable.

2. The case of the petitioners is that, Ext.P2 orders were passed by the K-RERA, without hearing the petitioner and at a stage even before numbering the complaints. According to the petitioners, the said orders are not legally sustainable, as the 1st respondent authority is not empowered to pass order of such nature, touching upon the merits of the matter, without providing

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an opportunity for being heard to the petitioners.

3. I have heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

4. On carefully going through the contents of Ext.P2 orders, I find merit in the submission made by the learned counsel for the petitioner. This is because, as mentioned above, Ext.P2 orders contain a detailed discussion on the merits of the matter and found that the complaint cannot be entertained. Pendency of certain proceedings before the District Consumer Disputes Redressal Commission instituted by the association of the allottees were also referred to in the said order, which was one of the reasons that formed the basis of the decision that the complaint is not maintainable. It is not disputed that the said orders are passed before numbering the complaints and before hearing the petitioners.

5. Apparently, Ext.P2 orders are passed by the 1st respondent under the misconception of law. Section 38 of the Real Estate (Regulation and Development) Act, 2016

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contemplates the powers of the 1st respondent-authority , which reads as follows:

“**38.** (1) The Authority shall have powers to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder.

(2) The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Authority shall have powers to regulate its own procedure.

(3) Where an issue is raised relating to agreement, action, omission, practice or procedure that—

(a) has an appreciable prevention, restriction or distortion of competition in connection with the development of a real estate project; or

(b) has effect of market power of monopoly situation being abused for affecting interest of allottees adversely,

then the Authority, may *suo motu*, make reference in respect of such issue to the Competition Commission of India.”

6. Sub-section (2) of the said provision specifically provides that, the authority shall be guided by the principles of

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natural justice and subject to the other provisions of this Act and the rules made thereunder. Of course, the said provision specifically empowers the authority to regulate its own procedure. However, since it is clearly specified in the subsection itself that, the authority shall be guided by the principles of natural justice, it is the obligation of the authority to hear the parties concerned before taking a decision adverse to the party, as providing an opportunity of hearing is one of the basic requirements as per the principles of natural justice. To be precise, the reference of principles of natural justice in section 38, itself indicates the necessity of providing such an opportunity to the complainants or the opposite party, before taking a decision on the same and giving such opportunity, cannot be at the discretion of the 1st respondent, but on the other hand, it is mandatory.

7. When it comes to the question of numbering of the complaint, relevant provisions are in Kerala Real Estate

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Regulatory Authority (General) Regulations, 2020. The relevant regulations are 8, 9 and 10, which read as follows:

“8. Presentation, scrutiny and numbering.-(1)

Pagination of the complaint/claim for compensation filed before the Authority or the Adjudicating Officer, as the case may be, in continuous manner beginning from the complaint/claim for compensation along with annexures.

(2) Every interlineations, eraser or correction or deletion in any complaint or claim for compensation or document shall be initialed by the party concerned or his authorized representative.

(3) Every complainant shall affix his signature and shall state his name in capitals near his signature and initial or sign at the bottom of each page of the complaint/claim for compensation.

9. Endorsement and scrutiny.-(1) The person, in charge of the receipt of the complaint/claim for compensation or any other documents, whenever any complaint/claim for compensation is filed or any other documents is received, would immediately affix on them, the seal of the Authority with date. At the time of receipt of complaint/claim for compensation, it is the duty of the concerned clerk to verify whether requisite number of copies along with necessary index is submitted and on such receipt, the concerned clerk will sign on the first

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page in the main sheet as well as in the copies and assign current number for every complaint/claim for compensation and pass it for scrutiny to the officer concerned.

(2) The scrutiny officer of the Authority shall, on receipt of the complaint/claim for compensation from the receiving branch, scrutinize the same as expeditiously as possible.

(3) On scrutiny of the complaint/claim for compensation if it is found to be defective or incorrect in conformity with the provisions of the Act or Rule or Regulations thereunder, the Authority/Adjudicating Officer as the case may be, return it for compliance in the proper form granting 15 days time or such time as the Authority/Adjudicating Officer deems fit. If the complaint/claim for compensation is not duly represented with all compliance within the time granted, it may be treated as a complaint/claim for compensation not in conformity and shall be posted before the Authority/the Adjudicating Officer as the case may be, for dismissal for default. In such an event, the complaint/ claim for compensation fee shall be forfeited. There shall be no bar for the complainant for filing afresh the complaint/claim for compensation.

(4) Fee paid with complaint/claim for compensation shall be entered immediately on the receipt in the register

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and the same should be initialed by the Cashier or Accounts Officer and the Section Officer on every day. The official in charge of cash section and Section Officer shall after verifying the entries in the prescribed register along with Demand Drafts put their initials in the relevant columns in the said register as token of acknowledgement.

10. Registration and Numbering.-(1) Every complaint filed under Section 31 of the Act read with Rule 36 of the Rules, shall after checking and scrutiny, be numbered as Complaint No. and registered in the appropriate register maintained in this behalf.

(2) Every claim for compensation filed under Section 31 of the Act read with Rule 37 of the Rules, shall after checking and scrutiny be numbered as Compensation Claim Petition No. (CCP. No.) and registered in the appropriate register maintained in this behalf.

(3) Interlocutory Application filed along with the Complaint shall be numbered separately as I.A. No.

8. Regulation 9(3) deals with the procedure to be adopted, if a complaint is found to be defective or incorrect in conformity with the provisions of the Act or Rule or Regulations thereunder. IT is evident from the above provision that, the

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defect or incorrectness as referred to in sub-section (3), can only be with regard to the procedural formalities in relation to the matters required for filing the complaint and the necessary documents to be accompanied along with the said complaint. Consideration of the issues involved in the complaint on merit, is not something is envisaged in the said regulations. Therefore, what the 1st respondent authority can do at the time when the complaint is received and it is being considered for the purpose of numbering, is to find out whether, the said complaint fulfills the requirement as envisaged in the relevant rules and regulations and also as to whether it is accompanied with the documents which are to be accompanied along with the complaint mandatorily. Nothing beyond the same can be insisted upon, at the time of numbering and a decision of question of merits of the matter cannot also be considered at that point of time

9. Moreover, if at all any defects are found in the matter of filing as contemplated in the regulations referred to above, the

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complaint will have to be returned to the complainant notifying the deficiencies, to enable the complainant to resubmit the same, after curing the defects specifically pointed out in the notice by which the same was returned. As mentioned above, under no circumstances, as such defect could include any finding or adjudication touching upon the merit of matter. Thus, it is clear that, the impugned orders, which are Ext.P2 in these writ petitions, are passed by the 1st respondent, without any jurisdiction and without fulfilling the statutory obligations vested upon it as per Section 38 of the Act. Therefore, an interference is required.

Accordingly, these writ petitions are disposed of quashing Ext.P2 in both these cases, with a direction to the 1st respondent to number the complaint and consider the grievances of the petitioner on merit after hearing the petitioner.

Sd/-

ZIYAD RAHMAN A.A.
JUDGE

DG/23.7.26

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APPENDIX OF WP(C) NO. 24034 OF 2026

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE THE COMPLAINT NUMBERED AS FILE NO.KRERA/259/2026-LE2 (INWARD NO.580/2026) BEFORE THE 1ST RESPONDENT
Exhibit P2	A TRUE COPY OF ORDER NO. KRERA/259/2026-LE2 DATED 25.05.2026 FROM THE 2ND RESPONDENT

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APPENDIX OF WP(C) NO. 24977 OF 2026

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF COMPLAINT NUMBERED AS FILE NO.KRERA/258/2026-LE2 (INWARD NO.579/2026) BEFORE THE 1ST RESPONDENT
Exhibit P2	A TRUE COPY OF ORDER NO. KRERA/258/2026-LE2 DATED 27.05.2026 FROM THE 2ND RESPONDENT