



2026:KER:15817

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026 / 1ST PHALGUNA, 1947

WP(C) NO. 6169 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011
- 2 THE PROJECT DIRECTOR, SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING ORGANISATION
(AWHO) PRASANNA VIHAR, MARINE DRIVE, OPP. HIGH COURT,
KOCHI, PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING &
URBAN POVERTY ALLEVIATION, GOVERNMENT OF INDIA, NEW
DELHI, PIN - 110011
- 2 CDR. TITTU MATHEW JOSEPH
S/O. JOSEPH MATHEW, FLAT NO. C-1303, B TOWER,
CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND, VYTTILA,
ERNAKULAM, PIN - 682019



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3 TWINKLE TOM
W/O. CDR. TITTU MATHEW JOSEPH, FLAT NO. C-1303,
B TOWER, CHANDER KUNJ ARMY TOWERS, SILVER SAND
ISLAND, VYTTILA, ERNAKULAM, PIN - 682019

BY ADVS.
SRI.K.SHAJ
SMT.BEENA
N.KARTHA SRI.ARUN
CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SHRI.ISSAC MELVIN B.O.
SHRI.ALVIN JOSEPH
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.
SHRI. MAHADEV.M.J, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.02.2026, ALONG WITH WP(C).5821/2026,
5846/2026 AND CONNECTED CASES, 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.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 5821 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011
- 2 THE PROJECT DIRECTOR, SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 CDR. K.S. MATHEWS
S/O. LATE K.K. MATHEW, FLAT NO.B-1904,
B- TOWER, CHANDER KUNJ ARMY TOWERS,
SILVER SAND ISLAND, VYTTILA, ERNAKULAM,
PIN - 682019
- 3 SMT. LALITHA MATHEWS
W/O. CDR. K.S. MATHEWS, FLAT NO.B-1904,
B- TOWER, CHANDER KUNJ ARMY TOWERS,
SILVER SAND ISLAND, VYTTILA, ERNAKULAM,
PIN - 682019

BY ADVS.

SHRI.MAHADEV M.J., CGC
SRI.K.SHAJ
SMT.BEENA N.KARTHA
SRI.ARUN CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.ALVIN JOSEPH
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SHRI.ISSAC MELVIN B.O.
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
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CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 5846 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR, SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY



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RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011

- 2 MR. SAJI THOMAS
S/O. P.V. THOMAS, 17 A2 KENT GLASS HOUSE,
VYTTILA, KOCHI, PIN - 682019

BY ADV

SHRI. MAHADEV.M.J, CGC,

SRI.K.SHAJ

SHRI.SAJI THOMAS, PARTY-IN-PERSON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.02.2026, ALONG WITH WP(C).6169/2026 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 6003 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR SURESH CHRISTOPHER. H
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 LT. CDR. V.V. KRISHNAN,
S/O. V.R. VASUDEVAN, FLAT NO. B-2204, B TOWER,
CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
VYTTILA, ERNAKULAM, PIN - 682019
- 3 MRS. DIVYA NAMBISSAN
W/O. V.V. KRISHNAN, FLAT NO. B-2204, B TOWER,
CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
VYTTILA, ERNAKULAM, PIN - 682019

BY ADVS.

SHRI.MAHADEV M.J., CGC
SRI.K.SHAJ
SMT.BEENA N.KARTHA
SRI.ARUN CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.ALVIN JOSEPH
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SHRI.ISSAC MELVIN B.O.
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 6069 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER
(SR.) SHRI. GOVIND G.
NAIR SRI.BALU TOM
SRI.P.M.RAJAGOPAL
SRI.BONNY BENNY

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 LT. COL. SMITHA RANI. E.N.,
W/O. KISHOR. P.R., FLAT NO. B-2503, B-TOWER,
CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
VYTTILA, ERNAKULAM, PIN - 682019
- 3 MR. KISHOR. P.R.,
/O. P.E. RAJAPPAN, FLAT NO. B-2503, B-TOWER,
CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
VYTTILA, ERNAKULAM, PIN - 682019

BY ADVS.

SHRI.MAHADEV M.J., CGC
SRI.K.SHAJ
SMT.BEENA N.KARTHA
SRI.ARUN CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SHRI.ISSAC MELVIN B.O.
SHRI.ALVIN JOSEPH
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 6103 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR SURESH CHRISTOPHER. H.
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 CAPT. JONES ALEX,
 /O. ALEX NADUVILAMURIYL FLAT NO. 2003, C TOWER,
 CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
 VYTTILA, ERNAKULAM, PIN - 682019
- 3 MRS. ANNIE JONES
 W/O. CAPT.JONES ALEX, FLAT NO. 2003, C TOWER,
 CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND,
 VYTTILA, ERNAKULAM, PIN - 682019

BY ADVS.

SHRI.P.ANIRUDHAN, CGC

SRI.K.SHAJ

SMT.BEENA N.KARTHA

SRI.ARUN CHAND

SHRI.BHARAT VIJAY P.

SHRI.KEVIN JAMES

SHRI.AKASH JOSHI

SMT.MINU VITTORRIA PAULSON

SMT.GOPIKA GOPAL

SMT.ARCHANA P.P.

SHRI.REN SHIBU

SMT.SHEHROON PATEL A.K.

SHRI.ISSAC MELVIN B.O.

SMT.RIYA PHILO JOHNSON

SMT.SRUTHI K. SURESH

SMT.GISHMA P. S.

SMT.MARY HELEN A. G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.02.2026, ALONG WITH WP(C).6169/2026 AND
CONNECTED CASES, 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.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 6121 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 WG. CDR. GEORGE ANTONY
S/O. ANTONY THOTTAPPILLY, FLAT NO. B- 1301,
B- TOWER, CHANDER KUNJ ARMY TOWERS, SILVER SAND
ISLAND, VYTTILA, ERNAKULAM, PIN - 682019
- 3 SMT. MINI GEORGE
W/O. GEEORGE ANTONY, FLAT NO. B- 1301,
B- TOWER, CHANDER KUNJ ARMY TOWERS,
SILVER SAND ISLAND, VYTTILA, ERNAKULAM,
PIN - 682019

BY ADVS.
SRI.K.SHAJ
SMT.BEENA
N.KARTHA SRI.ARUN
CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.
SHRI. MAHADEV.M.J, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.02.2026, ALONG WITH WP(C).6169/2026 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2026:KER:15817

WP(C) NO.6169 OF 2026 & conn.cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 20TH DAY OF FEBRUARY 2026/1ST PHALGUNA, 1947

WP(C) NO. 6129 OF 2026

PETITIONERS:

- 1 THE ARMY WELFARE HOUSING ORGANISATION (AWHO)
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SOUTH HUTMENTS, KASHMIR HOUSE, RAJAJI MARG,
NEW DELHI, PIN - 110011

- 2 THE PROJECT DIRECTOR SURESH CHRISTOPHER. H.,
AGED 41 YEARS, ARMY WELFARE HOUSING
ORGANISATION (AWHO) PRASANNA VIHAR,
MARINE DRIVE, OPP. HIGH COURT, KOCHI,
PIN - 682031

BY ADVS.

SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BONNY BENNY
SRI.BALU TOM
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO MINISTRY OF HOUSING
& URBAN POVERTY ALLEVIATION,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110011



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- 2 CDR. K.S. MATHEWS (CDR.KAPPADAKUNNEL STEPHEN MATHEWS), S/O. LATE K.K. MATHEW, FLAT NO.C-1904, C. TOWER, CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND, VYTTILA, ERNAKULAM, PIN - 682019
- 3 SMT. LALITHA MATHEWS
W/O. CDR. K.S. MATHEWS, FLAT NO.C-1904, C. TOWER, CHANDER KUNJ ARMY TOWERS, SILVER SAND ISLAND, VYTTILA, ERNAKULAM, PIN - 682019

BY ADVS.
SRI.K.SHAJ
SMT.BEENA
N.KARTHA SRI.ARUN
CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SHRI.AKASH JOSHI
SMT.MINU VITTORRIA PAULSON
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.
SHRI.ISSAC MELVIN B.O.
SHRI.ALVIN JOSEPH
SMT.RIYA PHILO JOHNSON
SMT.SRUTHI K. SURESH
SMT.GISHMA P. S.
SMT.MARY HELEN A. G.
SHRI. MAHADEV.M.J, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20.02.2026, ALONG WITH WP(C).6169/2026 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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'C.R'

JUDGMENT

[WP (C) Nos. 6169/2026, 5821/2026,
5846/2026, 6003/2026, 6069/2026,
6103/2026, 6121/2026, 6129/2026]

All these writ petitions were filed by the Army Welfare Housing Organisation (hereinafter referred to as the “AWHO”) challenging the various orders passed by the adjudicating officer of K-RERA in various complaints submitted by the occupants of the apartments constructed by the petitioners. All those orders are produced as Ext.P7 in these writ petitions.

2. Sri.M.Ramesh Chander, the learned Senior counsel appearing for the petitioners mainly challenges Ext.P7 orders by way of writ petition, instead of invoking the statutory remedy contemplated under Section 43(5) of the Real Estate (Regulation and Development) Act, (hereinafter referred to as the Act) on the ground that, the



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K-RERA does not have the jurisdiction to entertain the complaints in which these impugned orders are passed. The reason, according to the learned Senior Counsel, that makes the complaint without any jurisdiction is that, the project, which is the subject matter in these writ petitions, is not liable to be registered under the provisions of the Act, in view of the fact that, the project was not an ongoing project.

3. This contention was raised, mainly on the ground that, the occupancy certificate for the building completion was received on 21.02.2018 and Kerala Real Estate (Regulation and Development) Rules, 2018 came into force only on 14.06.2018 and thus, it was not possible for any real estate project to get registration before the date on which the Rules came into force. Therefore, it was pointed out that, it was not an ongoing project which requires



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registration as contemplated under proviso to Section 3(1) of the Kerala Real Estate (Regulation and Development) Act.

4. However, the contention raised by the petitioners was opposed by Adv.K. Shaj, the learned Counsel appearing for the party respondents in these cases, Sri.Saji Thomas, the 2nd respondent in W.P(C) No.5846/2026, who appeared in person, Adv.P.Anirudhan, learned Central Government Counsel appearing for the 1st respondent in W.P(C) No.6103/2026 and Adv.Mahadev M.J., learned Central Government Counsel appearing for the 1st respondent in the remaining writ petitions.

5. It was pointed out by the said respondents that, the question regarding the jurisdiction was considered by the RERA and passed an interim order on 03.10.2024, rejecting the very same contentions raised by the petitioners herein. It was held that, since the occupancy



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certificate was obtained after the Act came into force on 01.05.2017, it is required to be registered and therefore, a direction was issued to the petitioners herein, to register the project within thirty days from the date of receipt of the said order.

6. The sequence of events after issuance of the said order indicates that, the complaints in which the order dated 03.10.2024 was passed, were happened to be rejected by the K-RERA taking note of the judgment rendered by this Court in W.P(C) No.40178/2023, a copy of which is produced as Ext.P2, wherein, this Court directed the demolition of two towers in the apartment complex that form part of the project in question, by directing the District Collector to constitute a committee to do the same. The said judgment was rendered by this Court, taking note of the serious structural defects that were



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found in the said towers and also taking into account the powers vested upon the District Collector as the Chairman of the District Disaster Management Authority constituted under the Disaster Management Act.

7. Later, the orders by which the complaints were rejected, were taken up at the instance of the complainants in appeal before the Real Estate Appellate Tribunal. The said orders were set aside, by the Appellant Tribunal, restoring the earlier direction for registration and directing the RERA to proceed with the complaints. The said order was challenged in appeal by the petitioners herein, which resulted in Ext.P8 judgment, where this Court set aside the order passed by the Kerala Real Estate Appellate Tribunal and the matter remanded back to the Kerala Real Estate Regulatory Authority for considering the issue as to whether complaints are liable to proceeded in the light of



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the decisions of this Court in W.P(C) No.40178/2023 and connected cases and W.A. No.1922/2025 and connected cases filed against the judgment in the said writ petition.

8. Based on Ext.P8, Ext.P9 order was passed after hearing all the parties, wherein, it was held that, the order dated 03.10.2024 passed by the RERA stands. As per the said order, the time limit within which registration has to be made by the petitioners was extended up to 31.03.2026. Thus, it is pointed out that, as far as the question of jurisdiction that is raised by the learned Senior Counsel is concerned, that is already answered by the authority in the order dated 03.10.2024 and reiterated in Ext.P9 order. Therefore, the said contention is no longer available to the petitioners.

9. Besides, the learned Counsel for the respondents also placed reliance upon the decision rendered by this



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Court in IFCI Infrastructure Development Limited v. Kerala Real Estate Regulatory Authority [2024 (2) KLT 578], where the question of necessity to register the ongoing projects was specifically considered and it was held that, all projects in respect of which occupancy certificate was issued after 01.05.2017 are liable to be registered. Thus, it was pointed out that, since in this case, the occupancy certificate was issued only on 21.02.2018, the project is an ongoing project and is liable to be registered under proviso to Section 3(1) of the Act. Therefore, the question of jurisdiction does not arise, as mere lapse on the part of the petitioners to get the project registered, despite the statutory duty upon them, would not take away the rights of the respondents to avail the remedies available under the Act.

10. I have carefully gone through the records. Of



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course it is true that, the order dated 03.10.2024 was an interim order, which got merged with the final order passed rejecting the complaints, However, the said final order is already set aside by the appellate authority and later as per Ext.P8 judgment rendered by this Court. As a consequence thereof, all those complaints stand restored. It is also a fact to be noticed that, the finding of the authority in the order 03.10.2024, is reiterated in Ext.P9, and as of now, it is not under challenge before the respondents. Of course, it is true that, as far as Ext.P9 is concerned, that is an order passed subsequent to Ext.P7 order. Since Ext.P9 being an order recently passed, it is also submitted that, the petitioners are intending to challenge Ext.P9.

11. Anyhow, even in the absence of any finding as evidenced by the order dated 03.10.2024, the question of law regarding the necessity of registration, is settled by this



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Court in the decision relied on by the respondents in IFCI Infrastructure Development Limited (supra). In the said decision, this Court clearly laid down the legal proposition by referring to the decision rendered by the Honourable Supreme Court in Newtech Promoters and Developers Pvt. Ltd. v State of U.P [2021 (6) KLT SN 33 (C.No 27)] that, by virtue of proviso to Section 3(1), all projects in respect of which the occupancy certificate was issued after 01.05.2017(the date of commencement of the relevant provision under the Act), has to be treated as ongoing projects, which are liable to be registered under the Act. I am in full agreement with legal proposition laid down by this Court in the said judgment.

12. When that principle is applied in this case, it can be seen that, the contention raised by the petitioners cannot be accepted. This is because, evidently, the



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occupancy certificate in this case was issued on 21.02.2018 and thus, it was after 1.05.2017, the date of which the Act came into force and hence the same can only be treated as an ongoing project which requires registration. Once it is found that, the project requires registration, the fact that the registration was not obtained by promoter will not take away the rights of the allottees, to invoke the statutory rights available under the Act. This is because, the breaches on the part of the promoter to fulfill the mandatory obligation under the statute, cannot be a ground to deny the legitimate rights of allottees that flow from the enactment. In other words, in respect of a project compulsorily registrable under the Act, the statutory rights vested upon the allottees of the project cannot be denied, merely because, the promoter, failed to fulfill its obligation to get the registration. Therefore, since the necessity of



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registration, is established from the facts of the case, the respondents/allottees would be entitled to submit complaints invoking the provisions under the Act. The fact that, K-RERA already found that the project requires registration, fortifies such vested statutory rights of the allottees. All these complaints are evidently submitted under the provisions of the said Act raising various complaints in connection with the real estate project, and those come within the scope and purview of the Act. Therefore, I am of the view that, the question of jurisdiction of the authority to entertain the complaint does not arise in this case as contended by the petitioners.

13. The learned Senior Counsel also raised a contention that, while passing the orders, the compensation was granted for mental agony, which is beyond the scope of the powers of the authority and



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therefore, the same amounts to exercise of jurisdiction in exercise of the powers conferred upon. However, since this is not something which is affecting the jurisdiction of the authority to entertain the complaints and the said complaints contain claims in relation to other matters as well, I am of the view that, this is a matter which the petitioners can raise before the appellate authority by filing an appeal as contemplated under Section 43(5) of the Act read with Section 44 of the Act. With regard to the other disputes that are raised in these writ petitions in relation to the impugned orders, I am of the view that, those are all factual matters, which can only be decided by the statutory authorities.

In such circumstances, I do not find any justifiable reason to entertain these writ petitions, as there is an effective alternate remedy of appeal available to the



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petitioners against the impugned orders. Accordingly, these writ petitions are dismissed, without prejudice to the right of the petitioners to invoke the statutory remedies. However, it is clarified that, none of the observations of this Court will not stand in the way of the petitioners in raising any challenge against Ext.P9 by invoking appropriate remedies.

**Sd/
ZIYAD RAHMAN A.A.
JUDGE**

rpk/SCS



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APPENDIX OF WP(C) NO. 6169 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 29/2024 DATED 05.08.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 29/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 02.12.2025 IN CCP NO.29/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.10.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 5821 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 26/2024 DATED 09.07.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 26/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 02.12.2025 IN CCP NO.26/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.01.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 5846 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 22/2024 DATED 02.07.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 22/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 27.11.2025 IN CCP NO.22/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.01.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 6003 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 24/2024 DATED 30.06.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 24/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 27.11.2025 IN CCP NO.24/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.10.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 6069 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 23/2024 DATED 30.06.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 23/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 27.11.2025 IN CCP NO.23/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.10.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 6103 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENTS HEREIN IN CCP 28/2024 DATED 03.07.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 28/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE ORDER DATED 02.12.2025 IN CCP NO.28/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.01.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 6121 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 25/2024 DATED 30.06.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 25/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 27.11.2025 IN CCP NO.25/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.10.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES



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APPENDIX OF WP(C) NO. 6129 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF AUTHORIZATION ISSUED BY THE MANAGING DIRECTOR OF THE PETITIONER DATED 16.01.2026.
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 03.02.2025 IN WP (C) NO. 40178 OF 2023.
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 25.06.2025 IN RP 304/25.
- Exhibit P4 TRUE COPY OF THE JUDGMENT DATED 10.09.2025 IN WA NO.1844 OF 2025 AND CONNECTED APPEALS.
- Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PARTY RESPONDENT HEREIN IN CCP 27/2024 DATED 09.07.2024 WITHOUT ENCLOSURES.
- Exhibit P6 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN CCP 27/2024 DATED 26.11.2024.
- Exhibit P7 TRUE COPY OF THE JUDGMENT DATED 02.12.2025 IN CCP NO.27/2024.
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 17.10.2025 IN MSA 58/25.
- Exhibit P9 TRUE COPY OF THE ORDER DATED 03.02.2026 IN COMPLAINT NO.97/24 AND CONNECTED CASES