



**GOA REAL ESTATE REGULATORY AUTHORITY**

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FNo: 3/RERA/New Proj.(954) (Sou moto comp)/2022/876 Date:16/07/2025

**To,**  
**Rio Luxury Homes Pvt. Ltd.**  
Represented through its Director and  
Authorized Signatory Mr. Niyaz Ramanali Somani  
Aldeia Serenia, Block C,  
Bounta Vaddo, Assagao,  
Goa-403507

**ORDER**

**(Delivered on this 16<sup>th</sup> day of the month of July, 2025)**

1. Two complaints as mentioned below were received against the promoter "Rio Luxury Homes Pvt Ltd."
  - a) Rajashekar Reddy Rachamallu V/s Rio Luxury Homes Pvt. Ltd. (3/RERA/Comp (472)/2025)
  - b) Samrat Kapoor & another V/s Rio Luxury Homes Pvt Ltd (3/RERA/Comp (478)/2025)
2. Both the complaints were withdrawn. However from the documents on record and from the proceeding of Complaint at Sr b), it was noticed that, possibly, the promoter has violated Section 3 of the Real Estate (Regulation and Development) Act, 2016. Section 3 of Real Estate (Regulation and Development) Act, 2016

prohibits advertisement, marketing, offering villa for sale in the said property prior to registration. However the respondent without RERA registration allegedly offered a villa for sale in the said property on 12/08/2021. Further, from the above record it also appeared that such action included taking of advance amount prior to the registration on 17/06/2022.

3. All the above allegations were brought to the notice of the promoter in the proceeding with regards to complaint referred to at Para 3(b) above and, on record, the same remains uncontested even though, through a mutual agreement, the complaint was withdrawn.
4. Though the aforementioned complaints were mutually settled and therefore withdrawn. The Goa Real Estate Regulatory Authority observed that since there is a violation of Section 3 RERA Act, it merited a Sou Moto action against the violation.
5. A Notice dated 11/07/2025 was issued and the promoter was asked to appear before the Authority and file a reply by 14/07/2025. On 14/07/2025, Mr. Nilesh Desai (Chief Executive Officer of Rio Luxury Homes Pvt. Ltd ) appeared on behalf of the promoter and filed a reply. Mr. Nilesh Desai was authorized vide a Resolution dated 11/07/2025 to appear before the Goa RERA in all matters pertaining to company's project "Rio Estado", having registration No. PRGO06221651, and to sign, submit and execute all necessary letters, replies, declarations, affidavits, forms, applications, and other documents as may be required from time to time by RERA Goa or any other statutory or Regulatory authority in connection with the said project. Further also authorized to make submission,

provide explanations, and take all such steps and action as may be necessary or expedient in the interest of the company.

6. The promoter in his reply submitted that:-

- a) That at the time of initial interaction with the prospective buyers on 12/08/2021 they were unaware of the bar under Section 3 of RERA Act which prohibits advertisement, marketing, or offering units for sale prior to project registration.
- b) That they acknowledge their inadvertent lapse and there was no intention or deliberation bypass of any provision of the Act, and that they regret any non-compliance that has occurred.
- c) That they accept their mistake in good faith and are fully prepared to abide by any penal or corrective action the Authority deems fit in accordance with law.
- d) They requested the Authority to consider their genuine and cooperative approach in the matter and grant immediate extension of project registration, which is essential for the ongoing compliance and execution of the project.
- e) They assured their full cooperation and strict adherence to the provisions of RERA Act and Rules in future matter.

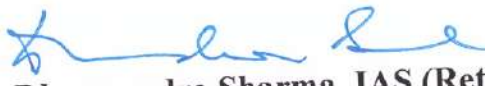
### **ORDER**

7. It appears from the reply that the promoter's defense is ignorance of Section 3 of Real Estate (Regulation and Development) Act, 2016. However ignorance of law is no legal defense, even if it is true. Hence, Section 59 of Real Estate (Regulation and Development) Act, 2016 is attracted in this case, the sub-Section (1) of which states, that if any promoter contravenes the provisions of Section 3, he shall be liable to a penalty which may extend up to



ten percent of the estimated cost of the real estate project as determined by the Authority.

8. As the fact stands, the mitigating circumstances against maximum penalty argued, were that the project did obtain RERA registration on 17/06/2022. The delayed nature of the complaint. That the complaint has been settled amicably. That the said transaction was entered voluntarily by the said customer/investor. That the project is nearing completion, Considering the overall submission made by the Ld. Advocate for respondent/promoter, in particular, the voluntarily and readily accepting the lapses, and, considering the precedence of past cases of similar nature, I asses that, a penalty of Rs.8,00,000/- (Rupees Eight Lakh Only) would be appropriate.
9. The respondent/promoter is directed to pay the same within 2 weeks of the issuance of the order.

  
**Dharmendra Sharma, IAS (Retd)**  
**Chairperson, Goa RERA**

16/7/22