



GOA REAL ESTATE REGULATORY AUTHORITY

101, 1st Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 Goa

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F.No:3/RERA/Complaint (504)/2025/1601

Date 28/11/2025

Prabhu Emerald Cooperative Housing Maintenance Society Ltd.,

Through its Chairman,

Mr. Anil Patil,

Age: 66 years

Residing at Flat No. A-401,

A Block, Prabhu Emerald Cooperative

Housing Maintenance Society Ltd.,

Alto, Dabolim, Goa-403711

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Complainant

Versus

1. M/s Prabhu Realtors,

A registered partnership firm

Having its registered office at

Office No. 98, 2nd Floor,

Block a, Prabhu's Emerald,

Above Pantaloons, Alto- Dabolim, Goa-403801

Through its partners

2. Mr. Amit C. Prabhu

Age: 32 years

Residing at Wrestling Woods,

Plot No. E-17, Vasant Nagar,

Gogol, Margao, Goa-403601

3. Mr. Chandrakant S. Prabhu

Age: 65 years

Residing at Wrestling Woods,

Plot No. E-17, Vasant Nagar,

Gogol, Margao, Goa-403601

4. Mrs. Meena C. Prabhu

Age: 60 years

Residing at Wrestling Woods,
Plot No. E-17, Vasant Nagar,
Gogol, Margao, Goa-403601

5. Mr. Sumeet C. Prabhu

Age: 29 years

Residing at Wrestling Woods,
Plot No. E-17, Vasant Nagar,
Gogol, Margao, Goa-403601

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Respondents

Ld. Advocate Shri Jay Mathew for the complainant.

Ld. Advocate Mr. Yogesh V. Nadkarni along with Ld. Advocate
Shri K. Nadkarni for the respondents.

ORDER

(Delivered on this 28th day of the month of November, 2025)

This order shall dispose of an application for dismissal of the
complaint filed by the respondents at exhibit 509/c.

2. Briefly stated, the case of the respondents is as follows:-

The present complaint is instituted by the complainant
society namely, 'Prabhu Emerald Co-operative Housing Society
Ltd.' which does not exist or registered. The complainant ought to
have produced relevant documentary evidence in support of
evidence and/or registration of the said society. The document
produced at exhibit B to the complaint namely, notification dated
21.12.2022 relates to "Prabhu Emerald Cooperative Housing
Maintenance Society Ltd." and therefore, the complainant society

is neither in existence nor is registered and hence, the complaint is not maintainable.

3. It is also averred by the respondents that prior to filing of the present complaint by the society, there ought to be an appropriate resolution of the concerned society to specifically institute and file the present complaint and that no such specific resolution to institute such a complaint on behalf of the society has been placed on record along with the complaint and as such, the complaint is also not maintainable in law and deserves to be dismissed.

4. The respondents filed a reply inter-alia contending that the application is completely misconceived and liable to be dismissed as the complainant society is duly registered under the Cooperative Societies Act as evident from the registration certificate and the documents produced on record, so also there is a resolution authorizing filing of the present complaint.

5. Arguments heard.

6. Admittedly, the respondents have raised objection to the maintainability of the complaint basically on two grounds, namely that the 'Prabhu Emerald Cooperative Housing Society Ltd' does not exist nor registered and that there is no appropriate resolution of the society to specifically institute and file the present complaint.

7. The first ground regarding non-existence/non-registration of the complainant society is not available to the respondents in view of the amendment filed by the complainant, which came to be granted, claiming that there was inadvertent and bonafide clerical/typographical error while mentioning the name of the complainant in the cause title or other parts of the complaint as 'Prabhu Emerald Co-operative Housing Society Ltd', instead of 'Prabhu Emerald Co-operative Housing Maintenance Society Ltd', which is the correct name as per the documents and therefore, the hyper-technical objection raised by the respondents with regards to missing word 'maintenance' in the cause title and other parts of the complaint cannot be entertained as respondents are fully aware of the identity of the complainant society as they are members of the society itself.

8. Ld. Advocate Shri K. Nadkarni for the respondents has submitted that there is no resolution of the complainant society authorizing specifically to institute and file the present complaint. The resolution produced on record pertains to authority given to the chairperson of the complainant, Shri Anil Patil to attend court matters on behalf of the society and that the society being a juristic person must itself decide to sue and pass a resolution to specifically institute and file the present complaint in the name of the society

before the Authority. He also relied upon the case “*M/s. Hari Shree Enterprises vs. M/s. Vikas Housing Ltd. & Ors. 2009 (4) ALL MR 247*” in support of the above contention.

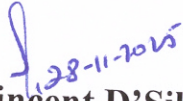
9. Per contra, Ld. Advocate J. Mathew for the complainant has submitted and rightly so that the resolution of the managing committee of the society at its meeting held on 18.07.2025 show that the Chairman, Mr. Anil Patil is ‘*authorised to represent the society in all the court matters, civil, criminal and quasi-judicial and to submit application, plaint, complaints, swear affidavit, or any other document, petition, reply, written statements or any other documents as may be required to be filed in the court or with any authorities in connection with any court case or legal proceedings involving the society*’ and the said resolution has been approved by the entire committee of the society. The said resolution therefore clearly authorizes filing of the present complaint before the Authority, which is quasi-judicial having specific regulatory and adjudicatory framework for resolving the disputes and therefore, the submission of Ld. Advocate K. Nadkarni and the reliance placed *M/s. Hari Shree Enterprises*, supra cannot be accepted as it is inapplicable being factually and legally distinguishable. The application filed by the respondents therefore cannot be entertained being frivolous and non maintainable.

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10. Having said so, I pass the following:

ORDER

The application filed by the respondents at exhibit 509/c stands dismissed.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.

Date: 28.11.2025