



GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:4/RERA/Adj. Matters (134)/2025/ 651

Date: 24/04/2026

BEFORE THE ADJUDICATING OFFICER

1.Mr. Joseph Rodrigues,

2. Mrs.Brenda Barbara Rodrigues

518,Gera Astoria, Souto Major Road,

Caranzalem, Goa, 403002.

.....Applicants

Versus

Prescon Homes Private Limited.,

A company registered under the companies Act,

Represented by its Directors:

1. Mr. Nirmal Bhagirathprasad Kedia

2. Mr.Vijay Kumar Puranmal Khowala

Registered Office:201, 2nd Floor,

Prestige Precinct, Almeida Road, Panchpakhadi,

Thane (West), 400601.

.....Respondents

Applicant 1 present in person and on behalf of Applicant No 2.

Advocate Flavia Fenandes representing the Respondent.

Hand

ORDER

(Delivered on this the 24th day of the month of April, 2026)

Vide this Order, I shall dispose off the application filed by the respondent at Exh.64/c for stay of the proceedings.

1. It is submitted that the Goa Real Estate Regulatory Authority was pleased to pass order dated 5/3/2025 on Application filed by the Applicant praying for various reliefs. That, the Respondents preferred an Appeal in respect of Order dated 5/3/2025 before the Maharashtra Real Estate Appellate Tribunal along with the Application for stay.

2. It is further submitted that by Order dated 16/9/2025, the Maharashtra Real Estate Appellate Tribunal was pleased to stay the Order dated 5/3/2025 and that in view of the above, the present Application for Claim for Compensation under Section 12, 14, 18, and or 19 read with Section 71 of the RERA Act be stayed until the Appeal before the Maharashtra Real Estate Appellate Tribunal is decided.

3. The Applicant filed reply stating that the Respondent prayed for a Stay, falsely claiming that by Order dated 16/9/2025, the Maharashtra Real Estate Appellate Tribunal was pleased to stay the Order dated 5/3/2025. That, this is a sorry attempt to mislead this Authority and which stands exposed by the Roznama of 16 Sept 2025 in Appeal AT07/00407/2025 and that as per the cursory reading of the roznama shows that NO STAY was granted on the date of 16 September 2025 as falsely claimed by the Respondent. Furthermore, it is submitted that the Respondent himself shows that the Appellate Tribunal had imposed specific preconditions before the Stay could become operational at some future date as follows:-



- i) That the Respondent was mandated to deposit moneys - but failed to submit proof that this was done.
 - ii) The quantum of moneys to be deposited was to be strictly according to the wording of the Order of 5 March 2025. The Respondent was unable to submit proof that calculations of these amounts was strictly according to the Order of 5 March 2025 and/or that these deposits were actually made.
 - iii) The Registry was “directed to intimate the concerned Authority that the impugned order is stayed until further orders.” The absence of intimation from the Registry to the Adjudicating Officer herein is proof positive that there is No Stay on proceedings in this case, nor has the Respondent been able to submit any proof by way of intimation from the Registry, that there is a stay on action by any other Authority. That the Applicant No 1 hereby underscores the fact that the Respondent, though fully aware that the Act mandates disposal of this case within 60 days, is deliberately indulging in delay tactics.
4. Further that the Respondent stated before the Adjudicating Officer that he was amenable to out of court settlement on mutually agreed-to terms. However the Respondent thereafter refused to respond to oral and written overtures by the Applicants to discuss and arrive at out of court settlement. That, proof of this has been submitted in writing by Applicant No.1, and has not been denied by the Respondent. That, Application for Stay is clearly calculated to waste more time, with the Respondent knowing fully well that it is based on flimsy grounds that are tangential to this case. That, Applicant No.1 prays that exemplary costs for such delays be imposed on the Respondent.



5. I have gone through the records and the Order dated 16th September 2025 which reads as:-

1. "Advocate Nihant Panicker submits that Respondents have filed application for non-compliance and pursuant thereto warrant has been issued against the Appellant. The Appellant is ready to deposit the amount as per order of Authority towards the compliance of Section 43 (5) of RERA Act, 2016. The captioned appeal is filed by promoter. The promoter is supposed to deposit entire amount as per order of the learned Authority towards interest and so far as penalty is concerned, the promoter is supposed to deposit 30% of the amount towards penalty. Therefore, promoter is directed to deposit entire amount towards interest and 30% of the total penalty amount in compliance of Section 43 (5) of RERA Act, 2016. Soon after deposit of aforesaid amount by the promoter, the Registry is directed to intimate the concerned Authority that the impugned order is stayed until further orders.

2. Accordingly, praecipe stands disposed off.

6. I have also gone through the Order dated 05/03/2025. The respondent is directed to pay interest @11.10% p.a. to the complainants on the sum of Rs.42,52,500/- (Rupees Forty Two Lakhs Fifty Two Thousand Five Hundred only) for the period from 30.09.2022 till 22.03.2023 within 30 days from the date of the order.

The respondent is also directed to pay further interest @11.10% p.a. from 23.03.2023 till effective payment, in the event of failure to pay the aforesaid interest amount to the complainants, as referred above.

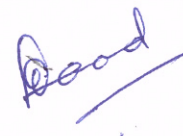


The respondent is also directed to pay costs of Rs.2,00,000 (Rupees Two Lakhs only) to the complainants, within thirty days of the order, failing which it will carry interest @11.10% p.a. till effective payment.

The respondent is directed to pay Rs.5,00,000/- (Rupees Five Lakhs only) as penalty under Section 61 of the Act for violation of Section 13 of the RERA Act and that the amount shall be deposited into the bank account of the Authority within 60 days, failing which necessary proceedings will be initiated against the respondent. Further the respondent is directed to file compliance report of this order in the form of an affidavit within sixty days of this order, failing which further legal action will be initiated by the Authority under the RERA Act for execution of the order.


7. This is an application for stay of proceedings before the Adjudicating Officer in respect of the Order dated 5/3/2025 of the Member, Goa RERA as the Respondents preferred an Appeal against the Order dated 5/3/2025 before the Maharashtra Real Estate Appellate Tribunal. Perusal of the operative part of the said Order dated 5/3/2025 of the Member, Goa RERA does not disclose that any directions were given in respect of the compensation, apart from a passing mention of it at paragraph 27 of the said Order dated 5/3/2025. Therefore, it cannot be said that the application filed before me under Section 12,14, and or 19 read with Sec 71 of the Act will be covered by the aforesaid Order dated 5/3/2025 of the Member, Goa RERA.

8. Apart from this, I have also gone through the judgment of *M/s Newtech Promoters and Developers v/s The State of Uttar Pradesh, dated 11 November 2021* which speaks in para 81 about the scope of the Adjudicating Officer which is only for adjudicating compensations, and in para 82 which speaks about complete delineation of the jurisdiction vested with the Regulatory authority and the Adjudicating officer. This being so



hence, I am of the view that since the Order dated 5/3/2025 of the Member, Goa RERA.

is stayed by Maharashtra Real Estate Appellate Tribunal, Mumbai, pending the hearing and final disposal of the appeal, that in the fitness of things, the case before me can be stayed by the orders of Maharashtra Real Estate Appellate Tribunal, Mumbai. The matter need not be stayed. Hence the application for stay filed by the Respondents stands dismissed.


24/06/2026

(Sayonara Telles-Laad)
Adjudicating Officer