



## GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

101, 1<sup>st</sup> Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 GOA

www.rera.goa.gov.in

Tel: 0832-2437655; e-mail: goa-rera@gov.in

No.3/RERA/complaint(118)/2020/173

Date: 26/03/2021

Vanshika Rane, UG1/UG2,

Varadhraj Greens, Near HP Gas Godown,

Matve, Dabolim, South Goa-403801

.... Complainant

V/s

Sandeep Shirodkar,

C-1, Tilak Commercial Complex,

Vasco Da Gama, Goa-403802

..... Respondent

### INTERIM ORDER

Mrs.Vanshika Rane (hereinafter referred to as Complainant), has filed a complaint against the project 'Varadhraj Greens' by the promoter Shri Sandeep Shirodkar (hereinafter referred as Respondent or Promoter). The complaint was received on the website of RERA on 15/06/2020. As per Complainant, the said project was commenced in June 2016. Complainant has pointed out many irregularities in the project like construction is not complete, water proofing has not been done properly etc. During the course of examination of the complaint, it was noticed that the project is not registered under Goa RERA. The project was commenced in June, 2016, its Completion Certificate was obtained on 17/07/2018 and Occupancy Certificate on 7/08/2018. Hence, this order will discuss and decide the subject matter of registration of this project under Goa RERA in the first instance.

2- The case was heard on 20/01/2021, 23/02/2021 and 23/03/2021. The matter in respect of the project registration was discussed during course of hearing on 21/03/2021.

3- Ld. Advocate for the Respondent pointed out that the promoter has got all the clearances in respect of the project. Development permission from Mormugao Planning and Development Authority is dated 1/12/2015 and Construction License from the Village Panchayat, Chicalim is dated 23/02/2016. Similarly Completion Certificate obtained from Mormugao Planning and Development Authority is dated 17/07/2018 and Occupancy Certificate from the Office of the Village Panchayat, Chicalim is dated 7/08/2018. Ld. Advocate for the Respondent stressed that the project was started before RERA came into force and they have received Completion Certificate and Occupancy Certificate more than two years back. Hence project is not coming under the purview of Goa RERA and registration of the project is not required.

4- I have considered the case and gone through the provisions of Act and Rules. Provision in respect of registration of Real Estate Project has been incorporated u/s 3 of the RERA Act. The relevant portion of the said provision section 3(1) is as follows:-

*“3. Prior registration of real estate project with Real Estate Regulatory Authority.- (1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project with the Real Estate Regulatory Authority established under this Act.*


*Provided that projects that are going on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter*



*shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act.”*

5- Para 2 of the above mentioned section 3(1) is related with the registration of ongoing projects. As per this, the projects that were ongoing before commencement of the Act and for which Completion Certificate was not issued, was coming under the category which require registration. This section 3 came in force on 1/05/2017. However, in Goa, Rules were framed only on 24/11/2017 and Interim Authority was established after that. Interim Authority by Order No.11/35/2017-DMA dated 23/02/2018 prescribed 23/03/2018 as the last date for filing application for ongoing Real Estate Projects. In this case, Completion Certificate was obtained on 12/03/2020 as per submission of the Promoter himself. Hence it is clear that this project comes under the category of being registered under the Act.

6- Section 59 of the RERA Act deals with punishment for non registration under section 3 of the Act. This provision is as follows:-

 “59. *Punishment for no-registration under section 3.- (1) 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.”*

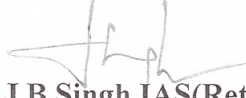
7- From the above, it is clear that the Promoter has violated the provisions of the Act by not registering it. He should have made application for registration before 23/03/2018 but he failed to do so. It is a fit case for action u/s 59(1) of the Act. As per this section, the Promoter can be penalized up to 10% of the Project cost. Exact cost of the entire project is not known. From the documents available on record, it is found that there are 14 flats in the project.

8- In view of above, considering all the aspects of the case, I feel that penalty of Rs.05.00 lakhs ( Rupees five lakhs only) should be imposed on the Promoter. Accordingly, Promoter is directed to pay penalty of Rs.5.00 lakhs and make

application with all required documents and fees within 15 days, failing which he will be liable for further action and penalty u/s 59(2) of the Act.

9- Next date of hearing in the case is fixed for 5/5/2021 at 4.00 p.m.

Order accordingly.



**J.B.Singh, IAS(Retd.)**  
Member Goa RERA

To:

1. Sandeep Shirodkar,  
C-1, Tilak Commercial Complex,  
Vasco Da Gama, Goa-403802.

2. Vanshika Rane,  
UG1/UG2,  
Varadhranj Greens,  
Near HP Gas Godown,  
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