



GOA REAL ESTATE REGULATORY AUTHORITY

101, 1st 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

F.No:3/RERA/Complaint(358)/2023/954

Date: 27/09/2023

Smt Sangeeta Naik,

H.No. 451, Next to Madona Pharmacy,

Cabesa Santa Cruz Goa.

.....Complainant

Versus

M/s Expat Projects and Development Pvt. Ltd.,

A-2, 213, Expat Vida Uptown,

Panelim, Kadamba Plateau,

North Goa, 403402.

.....Respondent

ORDER

(Dated 27.09.2023)

This order disposes of the online complaint filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the RERA Act') wherein the complainant has prayed this Authority to direct the respondent to refund the amount of ₹7,89,668/- (Rupees Seven Lakhs Eighty Nine Thousand Six Hundred and Sixty Eight only) to the complainant along with interest thereon and to pay the "penalty" to the complainant of ₹ 5,00,000/- (Rupees Five Lakhs only) for causing mental torture and harassment to the complainant and his family. According to the complainant, she and her husband entered into an agreement for sale dated 22.01.2019, which was

Victory

registered on 28.01.2019 for the purchase of flat bearing no. 111 on the first floor of the building known as "Expat Vida Uptown Goa Apartments Phase IV" situated at Panelim, Taluka Tiswadi, North Goa for the sale consideration of ₹ 23,50,198/- (Rupees Twenty Three Lakhs Fifty Thousand One Hundred and Ninety Eight only). It is stated that the complainant has paid till date an amount of ₹7,89,668/- (Rupees Seven Lakhs Eighty Nine Thousand Six Hundred and Sixty Eight only) and that as per the said agreement for sale, the respondent was bound to give possession of the apartment to the allottee on or before 31.10.2020. According to the complainant, the project has not been started by the respondent till date. Hence the prayers of the complainant as stated above.

2. Ld. Advocate Ms. S. Chavhan for the complainant and Ms. Malvina Franco, the representative of the respondent appeared before this Authority. During the course of hearings, both the parties filed the following consent terms:-

"1. After mutual discussions between the parties hereto, the Complainants, as and by way of full and final settlement of their claims against the Opposite Party, have agreed to accept a total sum of Rs. 8,00,000/- (Rupees Eight lakhs Only) from the Opposite Party.

2. The Opposite party has paid an amount of Rs. 2,00,000/- (Rupees Two lakhs Only) on 23-08-2023, and Rs. 3,00,000/- (Rupees Three Lakhs Only) on 31-08-2023 by way of RTGS directly to the account of the complainant.

3. The Opposite party undertakes to pay balance amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) in a form of 3 instalments, Rs. 1,00,000/- (Rupees One lakh) per month within the period of 3 months. (September, October, November 2023).

vjetley

4. It is mutually decided once the amount of Rs. 8,00,000/- (Rupees Eight lakhs Only) is paid in total no claim can be made against the opposite party.

5. It is mutually agreed once total payment is received the said agreement for sale registered under No. PNJ-1-133-2019 dated 28/01/2019 executed for unit no. C 1-111 Expat Vida Uptown Goa Apartments Phase 4 stands cancelled for all purposes.

6. It is mutually agreed that complainant will co-operate with the opposite party to sign and be present before any authority for execution of cancellation deed, as and when called for to execute the said document.

7. Both parties are signing the present agreement out of their own free will and same is done without any misrepresentation or undue influence.

8. The parties agree that upon completion of the entire mutually agreed payment in terms agreed hereinabove, the Complainant shall have no further claims upon the Opposite Party or in respect of the said project.”

3. Perused the consent terms. The instant complaint is disposed of as per the above consent terms. The proceedings are closed.

Vijeta 27/9/2023
(Vijaya D. Pol)
Member, Goa RERA