



# GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

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No.3/RERA/New.Proj.(815)/2021/ 111

Date: 15/02/2022

## ORDER

Rio Luxury Homes Pvt. Ltd., the Promoter through its authorized person Sneha Volvoikar has applied for registration of proposed project '**Rio Royale**' under Section 3 of the Real Estate (Regulation and Development) Act, 2016 read with the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website) Rules 2017, vide his application submitted through online portal dated 05/11/2021. Along with the application, the applicant has submitted all the essential documents which is required for the registration. However, at the time of scrutiny of the documents, it was observed that there were sold inventories in respect of the said project.

2. A Show Cause Notice dated 20/12/2021 was issued to the Promoter and the case was heard on 20/01/2022 and 03/02/2022. Promoter has also submitted its written submission at the time of hearing.

3. Any kind of marketing, booking or sale of plot or apartment without registration under the Act is not permitted. Section 3(1) of the Act is as follows:

**“3. Prior registration of real estate projects 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 or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act.”

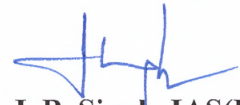
4. Punishment and Penalty for contravening the provisions of Section 3 has been dealt under Section 59 of the Act. For the convenience sake Section 59(1) of the Act is transcribed below:

**“59. Punishment for non-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 per cent of the estimated cost of the real estate project as determined by the Authority.”

It is observed in this case that Promoter has started selling the flats before obtaining the registration under Section 3 of the Act. During the course of hearing, Promoter pointed out that though apartments have been shown as sold, no Agreement for Sale has been executed between the parties so far. The Promoter has pointed out various unavoidable circumstances that prevailed during the relevant period of time, including but not limited to the force majeure events such as Covid-19 Pandemic. It has been submitted that there was no malafide intention in it and it was only due to bonafide intentions that Promoter approached this Authority for registration of the said proposed project.

5. I have considered the case. In this case, there is violation of Section 3 of the Act for which penalty under Section 59(1) is upto 10% of the Project cost. However, considering the submissions made by Promoter of facts and circumstances, a lenient view is taken in the case and considering the precedents of past cases in this regard a penalty of Rs. 5,00,000/- (Rupees Five Lakhs only) is imposed on the Promoter.
6. Therefore, the Promoter is directed to pay Rs. 5,00,000/- (Rupees five Lakhs only) as penalty under Section 59(1) of the Act within 30 days of passing of this Order failing which he will be liable for action under Section 59(2) of the Act.

Order accordingly,

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

**To,**  
Sneha Volvoikar,  
Sesa Colony, Dhabdhaba,  
Bicholim-North-Goa.