



**GOA REAL ESTATE REGULATORY AUTHORITY**  
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F.No:3/RERA/Complaint (479)/2025/1008

Date:05/08/2025

**(BEFORE THE MEMBER SHRI VINCENT D'SILVA)**

**Gurudev Khosla,**

J-16, Salunke Vihar Colony, Kondhwa,  
Pune, Maharashtra, 411022.

.....Complainant

*Versus*

**Parmesh Construction Company,**

7<sup>th</sup> Floor, Tower C,  
Bhutani Alphathum, Noida,  
Gautam Buddh Nagar,  
Uttar Pradesh, 201301.

.....Respondent

Ld. Advocate Shri Nitin Jaspal for the complainant

Ld. Advocate Gauravvardhan A. S. Nadkarni for the respondent.

**ORDER**

**(Delivered on this 5<sup>th</sup> day of the month of August, 2025)**

This order shall dispose of the application filed by the respondent under Order 7, Rule 11 of CPC for rejection of the complaint.

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

That there is no cause of action disclosed against the respondent and therefore, the complaint is not maintainable. The complainant is guilty of suppression of facts and has willfully attempted to mislead the Authority. The facts constituting the ground for alleged refund against the respondent are completely lacking in the complaint and the same points to the non-fulfillment of duty on the part of the complainant and therefore, the complaint may be rejected.

3. The complainant filed a reply to the application inter-alia contending that the application filed by the respondent seeking rejection of the complainant is with malafide intention being baseless, incorrect and without any cause or jurisdiction amounting to abuse of process of the court of law and is wholly misconceived, devoid of merits and liable to be dismissed.

4. Arguments heard.

5. Discernibly, the application has been filed by the respondent for rejection of the complaint for want of cause of action. However, the

very application filed by the respondent appears to be one with malafide intention and without any justification. The complaint is filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 which clearly discloses specific grievances regarding delays, non-fulfillment of contractual obligations and violations under Section 18 of the Act, which give rise to a cause of action, as rightly submitted by Ld. Advocate Nitin Jaspal for the complainant.

6. Moreover, the application filed by the respondent cannot be decided based on the averments in the complaint as it involves disputed facts, which can only be adjudicated after both the parties lead their documentary evidence in the matter, in terms of law. The complaint is well within the legal framework of the RERA Act and maintainable under the law providing for summary adjudication of disputes between the allottee and the builder and therefore, the application filed by the respondent for rejection of the complaint is nothing but abuse of process of the court of law and therefore, deserves to be dismissed.

7. Having said so, I pass the following:

## **ORDER**

The application filed by the respondent under Order 7, Rule 11 of CPC for rejection of the complaint stands dismissed.

*5-08-2025*

**(Vincent D'Silva)**  
**Member, Goa RERA**

Panaji, Goa.

Date: 05.08.2025