



GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:3/RERA/Complaint (475)/2025/ 1616

Date:04/12/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

1. Shikha Shukla Chabra

Age: 52 years,
Apt. No. 2036, Block II,
Third Floor, Prestige Ocean Crest,
Near NIO Circle,
Dona Paula, Tiswadi, Goa, 403004.

2. Ratima Raikar,

Age: 43 years
R/o Apt. No. 1042, Block-I,
Fourth Floor, Prestige Ocean Crest,
Near NIO Circle,
Dona Paula, Tiswadi, Goa, 403004.

3. Prahlad Sukhtankar,

Age : 43 years
R/o Apt. No. 3051, Block-III,
Fifth Floor, Prestige Ocean Crest,
Near NIO Circle,
Dona Paula, Tiswadi, Goa, 403004.

.....Complainants

Versus

1. Prestige Estate Project Limited,

Represented by its Executive Director,

Mr. Swaroop Singh,

Age: 56 years,

Unit G8, Geras Imperium-II,

Patto Plaza, Panaji, Goa, 403001.

2. Mathias Construction Private Limited,

Represented herein by its joint managing Director

Mr. Julian Mathias,

Age: 33 years,

Office at C-13/156 Mathias House,

Near Luis Gomes Garden,

Campal, Panaji Goa, 403001.

.....**Respondents**

Ld. Advocate H. D. Naik along with Ld. Advocate Ms. Preeta Gaykar
for the complainants

Ld. Advocate Shri Somnath B. Karpe for respondent no. 1.

Ld. Advocate Shri Donn Jose D'Souza Ticlo for respondent no. 2.

ORDER

(Delivered on this 4th day of the month of December, 2025)

This is a complaint filed under Section 31 of the Real Estate
(Regulation and Development) Act, 2016.

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

The complainants who are the residents of Prestige Ocean Crest Complex situated at Dona Paula, Taleigao, Tiswadi Goa have filed a complaint for violation of provisions of Sections 11, 14 and 17 of the RERA Act. The complainants claim that they are the purchasers of the apartments of the said building complex constructed by the respondents and that the respondent no. 2, M/s Mathias Construction Pvt. Ltd. entered into a Development Agreement dated 09.06.2017 with the respondent no. 1 and based on the said Development Agreement, the respondent no. 1 has undertaken construction of the residential complex in the said property and constructed building consisting of Block I, II and III with basement stilt and eight upper floors with 106 residential apartments and seven shops on the ground floor level and after having commenced the construction of the said project, the respondent no. 1 started booking of the apartments and accordingly, respondents entered into agreement for sale with prospective purchasers and after obtaining completion and occupancy certificate executed deeds of sale with respective purchasers of the apartment.

3 It is also the case of the complainants that the respondents were required to form an association of owners for the purpose of maintenance of the common areas and the amenities as per the deeds of sale. The respondent no.1 collected cost, charges and expenses payable by the purchasers at the time of execution and registration of the sale deeds, including their advance maintenance charges, however the respondents have failed to form a 'Residents Welfare Association/ Owners Association' for the purpose of maintenance of all the common areas and facilities as per the law. The respondent also illegally and arbitrarily increased the maintenance charges thereby violating the above provisions of the Act.

4. The respondent no. 1 filed a reply denying the case of the complainants. It is averred by the respondent that the complaint is not tenable in law and deserves to be dismissed. It is claimed that the third party is appointed to form the association and therefore, the issue sought to be raised by the complainants has not culminated in cause of action to sustain the complaint.

5. The respondent no. 2 also filed a reply claiming that it has not violated any provisions of the law as it is not involved in the development but only the landowner who allowed the respondent no.1

to put up construction in terms of the agreement dated 09.06.2017.

The respondent no. 1 was to enable the formation of the society of the owners and has been working towards it.

6. Arguments heard.

7. The points which come for my determination along with the findings and reasons thereon are as follows:-

Sr. No.	Points for determination	Findings
1.	Whether the complainants are entitled for the reliefs claimed?	Partly in the affirmative.
2.	What reliefs, what order?	As per final order

REASONS

Point No. (1) and (2)

8. The complainants have prayed for the following reliefs:-

a) That this Hon'ble Authority be pleased to hold inquiry and take appropriate action against the respondents for not forming society within a time prescribed under Section 11 of the RERA Act, 2016

and further direct the respondents to form society as early as possible.

b) That pending the hearing and disposal of this complaint direct and order the respondents not to charge any maintenance fees and /or to continue charging, maintenance fees at the rate of Rs. 5/- per sq. ft. only.

c) That this Hon'ble Authority be pleased to direct an order to the respondents or its agency to provide all details of the expenditure incurred by them towards the maintenance of common areas and amenities till the date of filing of complaint.

d) That this Hon'ble Authority further take appropriate action against the respondents for not registering the Development Agreement dated 09.06.2017 with this Hon'ble Authority and impose appropriate penalty for violating the provisions of the RERA Act.

9. The core grievance of the complainants is non-formation of the society within the time prescribed under Section 11 of the RERA Act and to direct the respondents to form the society as early as possible. The respondent no. 1 had claimed that it had appointed a third party to form the association, which itself suggests that the steps

were taken by the respondent no. 1 to form the entity and that the maintenance of the project is being carried out on day to day basis. The respondent no. 1 during the course of proceedings have produced on record a memo dated 25.08.2025 stating that the 'Prestige Ocean Crest Co-operative Housing Maintenance Society Ltd.' is registered and classified as 'Cooperative Housing Society' in terms of Rule 8 of the Goa Co-operative Rules, 2003. The Bye-laws submitted vide application no. 1561112032025783 were approved and registered. The Certificate of registration issued by Asst. Registrar of Coop. Societies, Central Zone is an indicative of the fact that the 'Prestige Ocean Crest Co-operative Housing Maintenance Society Ltd' at Dona Paula-Goa has been registered on 25.08.2025 bearing registration code symbol no. RCSCZ2025260053.

10. It therefore reveals that the respondent no. 1 had started the process for formation of society and thereafter the said society namely the "Prestige Ocean Crest Co-operative Housing Maintenance Society Ltd", was registered in terms of Goa Co-operative Societies Act, 2001 by the Office of Asst. Registrar of Co-operative Society, Central Zone, Panaji and therefore, the aforesaid grievances of complainants have been resolved by the formation of the society, as stated above.

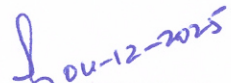
The other reliefs as prayed for by the complainants do not survive in view of the formation of the society by the respondents. Hence, the above points are answered accordingly.

11. Having said so, I pass the following:-

ORDER

The complaint stands disposed of as duly resolved.

No order as to costs.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.

Date: 04.12.2025