



GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:3/RERA/Complaint (479)/2025/1200

Date 09/09/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

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

.....Complainant

Versus

Parmesh Construction Co. Ltd.,
Through its Directors
1. Prem Bhutani
2. Ashish Bhutani
3. Inayat Bhutani,
4. Sonam Tyagi
7th Floor, Tower-C, Bhutani Alphathum,
Janpath Marg, Sector 90,
Noida, Gautam Buddh Nagar,
Uttar Pradesh-201301.

.....Respondent

Ld. Advocate Nitin Jaspal for the Complainant.
Ld. Advocate Gauravvardhan Nadkarni for the Respondent.

ORDER

(Delivered on this 9th day of the month of September, 2025)

This order shall dispose of application filed by the respondent at Exh. 324/c for seeking cross examination of the complainant.

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

That the complainant has filed a reply wherein it has denied vague and broad contention made by the complainant and in response, advocate for the complainant has filed a rejoinder making denials, which is impermissible in law without any documentary evidence and therefore, to adjudge the veracity of the statements in the complaint as well as to effectively counter the specific denials of the respondent, the complainant must be cross examined with respect to the statements made by him. There are disputed questions of law and therefore, it is just and necessary to allow the respondent to cross examine the complainant confirming to the principle of natural justice. Ld. Adv Shri Nadkarni in support of his case has relied upon *Bindu Narang vs. Matrix Cellular (International) Services Pvt. Ltd. and Another*, 2025 SCC Online Bom 2783.

3. The respondent filed a reply inter-alia contending that the application is wholly misconceived, mischievous and filed only with the oblique motive of delaying the adjudication of the

present complaint. The proceedings are summary in nature, in accordance with the spirit and the mandate of the RERA Act enacted as a special legislation for speedy and time bound resolution of dispute. The respondent has already filed its detailed reply, which is being duly taken on record and the right to be heard has been adequately afforded and no prejudice would be caused, if the application is rejected

4. Arguments heard.

5. The object of the Act is to regulate the real estate sector and as a consequent, to ensure professionalism in the sector, standardization in quality of real estate projects and to afford adequate consumer protection. The Act is intended to protect the interest of allottees in the real estate sector. The proceedings before the Authority are summary in nature in accordance with the spirit and mandate of the RERA Act which has been enacted as a special legislation for speedy and time bound resolution of disputes. The Hon'ble Supreme Court in *Newtech Promoters v. State of U.P.* [(2021) 10 SCC 263] observed that RERA is intended to be a special, expeditious remedy, and unnecessary procedural wrangles cannot be imported.

6. Discernibly, the RERA Act and the Rules including Rule 6 of the Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeals etc.) Rules, 2017 do not provide for full-fledged trial with oral evidence and cross examination, unlike in the civil suits. The Hon'ble Bombay High Court in *Neelkamal Realtors Suburban Pvt. Ltd. vs. Union of India* (2018 SCC Online Bom 639) has held that RERA proceedings are summary in nature, distinct from civil suits. and therefore, there is no provision for cross examination of the complainant, more particularly when the complainant has not filed any affidavit-in-evidence, in support of his case. The proceedings are intended to be decided primarily on documentary evidence and both the parties have already placed on record their documents and therefore, entertaining the application would defeat the object and the mandate of the Act and convert summary proceedings into prolonged trials as rightly submitted by Ld. Advocate Nitin Jaspal for the respondent.

7. It is also well settled in the case of *The State of Maharashtra and another vs. Ishwar Piraji Kalpatri*, AIR 2002 Bom 423 that the party have no vested rights to be tried by a particular procedure, except in so far as, there is any constitutional objection by way of

discrimination or violation of any other fundamental right is involved. Needless to reiterate, a party has no right in the procedure prescribed so long as it does not interfere or alter with any of his vested or substantive rights. There are admittedly no grievances in that regard by the respondent. The respondent therefore cannot have any vested right, other than the procedure contemplated under Rule 6 of the Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeals etc.) Rules, 2017, according to which the complaint filed by the party for any violation under the Act or the rules and regulations made thereunder can be decided based on documents and submissions of the parties.

8. In the instant case, the parties have filed their pleadings along with their documents and the matter was fixed for final argument on 20.08.2025, on which day, the respondent filed the application for cross examination. It is a matter of record that after the respondents were served, the respondent sought time to file a reply and thereafter, on the next day, the respondent sought direction to the complainant to supply legible copies of the documents, which were duly complied. The respondent also filed

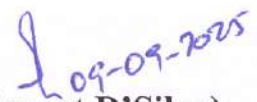
an application for rejection of the complaint, which was declined and the matter was fixed for a reply. The reply came to be filed and thereafter the complainant filed a rejoinder and the matter was fixed for final arguments. The application filed by the respondent therefore demonstrates that dilatory tactics are being used to frustrate the complainant.

9. Discernibly, adequate opportunities have been afforded to both the parties in terms of the Act as the proceedings are intended to be decided primarily on documents placed on record by the parties and therefore, granting the application for cross examination, without any affidavit of the complainant on record, would seriously prejudice the complainant by prolonging the proceedings. The materials on record and the documents produced by both the parties are sufficient in deciding the complaint and therefore, the application is not warranted. There is also no allegation that the principles of natural justice have not been complied with, in the present proceedings. There are admittedly no grievances as far as production of all the documents by the parties or violations of any fundamental rights are concerned.

10. The respondents have therefore failed to substantiate the basis on which they are seeking for cross examination of the complainant. The reliance placed in the case of *Bindu Narang*, supra is not applicable to the case at hand as in that case, an affidavit was filed by the party, in terms of provision of Legal Services Authority Act, 1987 nor it is based on the provisions of the RERA Act and therefore, the application filed by the respondent for cross examination of the complainant cannot be granted. Having said so, I pass the following:-

ORDER

The application filed by the respondent at exhibit 324/c for seeking cross examination of the complainant stands dismissed.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 09.09.2025