



GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

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

No.3/RERA/New.Proj.(913)/2022/ 364

Date: 05/05/2022

ORDER Dated 05/05/2022

Shri Gaurav Jain, the promoter has applied for registration of the proposed project '**Veera Estate**' under Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as Act) read with the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosure on website) Rules, 2017, vide his application submitted through online portal dated 31/03/2022. During the course of examination of the documents, it was observed from the CA certificate submitted by the applicant that two units from the project have already been sold and this is in violation of Section 3(1) of the Real Estate (Regulation and Development) Act, 2016.

2. A notice dated 22/04/2022 was issued to the applicant and opportunity of hearing was given on 02/05/2022 for giving the explanation on the same. On the day of hearing, applicant stated that this was because of misunderstanding of the provisions of the Act for which he is apologetic.
3. I have considered the case. Provision in respect of registration of real estate project has been incorporated under Section 3 of the Act. The relevant portion of the said provision Section 3(1) is as follows:-

“3. Prior registration of real estate project 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.”

From the above provision, it is clear that no project can be advertised, booked or sold etc. without registering under Section 3(1) of the Act. In this case, the promoter/applicant has already sold 02 villas and this fact has been incorporated in the CA certificate submitted by the promoter/applicant himself before registering the project.

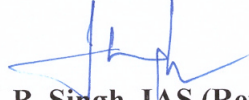
4. The Section 59 of the Act deals with the punishment for violation of Section 3 of the Act. The provision is as follows:-

“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 percent of the estimated cost of real estate project as determined by the Authority.”

5. From the above, it is clear that promoter has violated the provisions of Section 3 of the Act and hence liable for action under Section 59 of the Act. As per this Section, promoter can be penalized upto 10% of the project cost. However, considering the submissions made by the applicant/promoter, I feel a lenient view should be taken in the case.

6. Under the circumstances, I feel the penalty of ₹5,00,000/- (Rupees Five Lakhs only) to be imposed on the promoter. The promoter is directed to deposit this amount of penalty with this Authority within 30 days of the receipt of this order failing which he will be liable for further action and penalty under Section 59(2) of the Act.

Order accordingly.


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

To,
Gaurav Jain,
Veera strand Park, 1/38 Gaurawaddo,
Calangute, Bardez, North-Goa-403516.