



# GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

101, 1<sup>st</sup> Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 GOA

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Tel: 0832-2437655; e-mail: goa-rera@gov.in

F. No:3/RERA/Complaint(125)/2020/ 920

Date: 15/12/2022

**Gera Development Pvt. Ltd.**

200, Gera Plaza, Boat Club Road,

Pune, Maharashtra-411001.

.....

Complainant

V/S

**Edgar MR Cotta and Mrs. Lizette Cotta,**

402 Shalom 'A' P.O. Caranzalem,

Near Hotel Miramar, Ilhas-Goa, 403002.

.....

Respondent

## **ORDER**

**(Date: 15.12.2022)**

- M/s Gera Developments Pvt. Ltd., addressed at No. 200, Gera Plaza, Boat Club Road, Pune, Maharashtra-411001 (Complainant) filed a complaint dated 11.09.2020 against Shri Edgar MR Cotta and Mrs. Lizette Cotta, 402 Shalom 'A', P.O. Caranzalem, Near Hotel Miramar, Ilhas-Goa, 403002 (Respondent).
2. The grounds for complaint is violating terms and conditions under clause 6 and 8 of the Articles of Agreement entered into between the complainant and respondent dated 15.10.2018 for sale/purchase of apartment No. 402 on 4<sup>th</sup> floor in building No.T-4 with one covered car parking in the project "Gera's River of Joy Apartments".
  3. The said project is registered with the Goa RERA under registration No. PRGO03180092 dated 24.03.2018. The complainant stated that the

respondent has paid only ₹4,82,996/- (Rupees Four Lakhs Eighty Two Thousand Nine Hundred and Ninety Six only) towards the consideration amount and there remains outstanding balance payment of ₹26,56,478/- (Rupees Twenty Six Lakhs Fifty Six Thousand Four Hundred and Seventy Eight only)

4. The complainant filed the present complaint seeking cancellation of the Agreement dated 15.10.2018 entered with the respondent and also issue injunction against complainant not to create any third party interest until it is decided by the Authority.
5. The Authority after scrutiny of the complaint and provisions under The Real Estate (Regulation and Development) Act, 2016 decided to hear the matter under Section 19(6)(7)(8) read with Section 67 of the said Act. Thereafter, notices issued to both parties from time to time.
6. The complainant was represented by Advocate, Viola Mendonca, Advocate C. Padgaonkar, Legal Consultant Ms. M. Naik, Advocate Apeksha Kalokha, Advocate Pallavi Shirodkar, Advocate P. Remedios. Whereas the respondent decided to represent in person to argue the case, and the same permitted.
7. During the course of hearing, the respondent stated that he failed to deposit balance amount of ₹26,56,478/- (Rupees Twenty Six Lakhs Fifty Six Thousand Four Hundred and Seventy Eight only) due to delay in sanctioning housing loan from the Canara Bank, Caranzalem, Panaji amidst Covid-19 impact. The respondent sought time for balance payment.
8. The respondent's plea transmitted to the complainant. The complainant agreed to await sanctioning of loan to the respondent and also consented to provide necessary information and documents to the bank for expeditious sanction of loan to the respondent.

9. Pursuant to the above, both parties have submitted a joint submission vide letter dated 12.12.2022 that the matter stands settled between themselves as follows”-


9.1 “The Complainant and the Respondents state and submit as under:

(i) The Complainant withdraws the present complaint unconditionally against the Respondents as the Respondents have cleared the outstanding amounts due to the Complainants towards the Unit no: T-4-402.

(ii) The Respondents having inspected and being satisfied with the unit, materials used, carpet area and usable area etc, have received and accepted the possession of the Unit/ Apartment no: T4-402 alongwith right to use one covered parking in the project Gera’s River of Joy Apartments at Panelim, Se-Old Goa Panchayat, Tiswaadi Taluka, Goa from the Complainant on 01/10/2022 and the Respondents shall have no claim in the future against the Complainant with respect to the said Unit and the project.

(iii) The Deed of Sale with respect to the said Unit/Apartment no:T4-402 along with right to use one covered parking in the said project has been executed and registered before the Office of the Sub Registrar of Ilhas at Panaji on 02/12/2022 between the Complainant and the Respondents herein.”

10. In the light of above, the complaint stands disposed.

  
S.Kumaraswamy, IAS(Retd.)  
Chairperson, Goa RERA

To,

**1. Gera Development Pvt. Ltd.**

200, Gera Plaza Boat Club Road,  
Pune, Maharashtra-411001

**2. Edgar MR Cotta and Mrs. Lizette Cotta,**

402 Shalom 'A',  
P.O. Caranzalem, Near Hotel Miramar,  
Ilhas-Goa, 403002.