



GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

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No.3/RERA/New.Proj.(775)/2021/783

Date: 31/12/2021

ORDER

V.K. Realtors, the promoter through its authorized person Kunal Kuwadekar has applied for registration of proposed project 'Green Acres Goa' under Section 3 of the Real Estate (Regulation and Development) Act, 2016 read with the Goa Real Estate (Registration and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates on interest and Disclosures on website) Rules 2017, vide his application submitted through online portal dated 21/07/2021. The project is located in Carapur Village of Bicholim, Taluka. The said application for registration is in respect of two buildings of the project i.e. D & E. By now, applicant has submitted all the documents required for registration. However, as per Chartered Accountant certificate dated 03/11/2020, there are sold inventories in the project. In respect of Block D, there are 09 sold inventories and in respect of Block E, there are 03 sold inventories.

2. A Show Cause Notice dated 21/10/2021 was issued to the promoter, calling to submit some documents and explanation for CA certificate showing sold inventories prior to registration with RERA. The Promoter submitted the other documents which were required for the purpose of registration. The Promoter by letter of CA dated 26/ 11/2021 also submitted the explanation for the sold inventories.

3. An opportunity for hearing was given on 20/12/2021 to the promoter. The representative of the promoter explained the sold inventories as per letter of Chartered Accountant dated 26/11/2021. In respect of Block E, there are 03 sold inventories in respect of Flat No. 203, 402 and 403. It was submitted by the promoter that booking for Flat No. 402 & 403 has been cancelled and booking amount received was refunded to the purchaser. In respect of Flat No. 203, it was stated that the said booking /allotment was done on 28/02/2013 which is prior to

implementation of Goa RERA. Hence, as per promoter no irregularity has been committed by him.

4. I have considered the case. In respect of Block E, though it is claimed that booking for 402 and 403 has been cancelled, the fact remains that Promoter booked/sold the apartments before registration. In respect of Flat No. 203 which was sold in the year 2013, if it is presumed that the sale was much prior to the commencement of the Act, in that case entire project becomes ongoing project at the time of the commencement of the Act. No explanation has been given in respect of sold inventories of Building D.
5. Provision in respect of registration of Real Estate Project has been incorporated u/s 3 of the RERA 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:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act: ”

6. Section 59 of the RERA Act deals with punishment for non registration under Section 3 of the Act. This provision is as follows :-

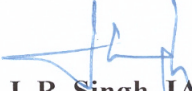
“59 . Punishment for no-registration under Section 3.- (1) If any promoter contravenes the provisions of Section 3, he shall be liable to a

penalty which may extend up to ten percent of the estimated cost of the real estate project as determined by the Authority. ”

7. From the above, it is clear that Promoter has violated the provisions of the Act by booking the flats before registration under the Act. It is a fit case u/s 59 (1) of the Act. As per this Section the Promoter can be penalized upto 10% of the project cost.

8. In view of the above, considering all aspects of the case and taking a lenient view I feel that penalty of Rs. 5,00,000/- (Rupees Five Lakhs only) should be imposed on the Promoter. Hence, the Promoter is directed to pay penalty of Rs. 5,00,000/- (Rupees Five Lakhs only). Since Promoter has submitted all the documents required for registration, registration is granted after the payment of penalty of Rs. 5,00,000/- (Rupees Five Lakhs only) determined as per this order.

Order accordingly,


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

To,
Kunal Kuwadekar,
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