



## GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:3/RERA/Complaint(118)/2020/ 182

Date: 13/03/2023

**Vanshika Rane,**  
UG1/UG2, Varadhray Greens,  
Near HP Gas godown,  
Matve Dabolim, South-Goa, 403801.

.....Complainant

*Versus*

**Sandeep Shirodkar,**  
C-1, Tilak Commercial Complex,  
Vasco-da-Gama, Goa, 403802.

.....Respondent

### **ORDER** **(Dated 13.03.2023)**

This is to dispose of the application dated 16.02.2022 filed on 23.09.2022 by the complainant under Section 59(2) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act'). Earlier in this case, an order dated 26.03.2021 was issued under section 59(1) of the said act directing the respondent to pay the penalty of Rs. 5,00,000/- (Rupees Five Lakhs only) for not registering the project under Section 3 of the said Act. The respondent has not paid the said penalty till date. Now the complainant has filed the said application against the respondent under Section 59(2).

2. A notice dated 19.01.2022 was issued to respondent asking him to file the reply within 10 days. No reply has been filed by the respondent. An opportunity of

hearing was given to both the parties on 01.03.2023 before this Authority. The complainant was present and pleaded the case whereas respondent remained absent though duly served.

3. I have considered the case. It is seen that the project in which order dated 26.03.2021 was passed was an on-going project and hence it was subject matter of registration under Section 3 of the said Act. The respondent has not registered that project and hence the said order dated 26.03.2021 was passed under Section 59(1) of the said Act directing him to pay the penalty of Rs. 5,00,000/- (Rupees Five Lakhs only).

4. Since, he has not paid the said penalty as per order dated 26.03.2021, he will be liable for further proceedings under Section 59(2) of the said Act. For the convenience, Section 59(1) and (2) of the said Act is transcribed below:-

**“59. Punishment for non-registration under section3.-** (1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent of the estimated cost of the real estate project as determined by the Authority.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent of the estimated cost of the real estate project, or with both.


5. Under Section 59(2), it has been provided that non-compliance of the order under section 59(1) is punishable offence and hence the same is to be tried and

disposed by the Metropolitan Magistrate or a Judicial Magistrate of the first class as per Section 80(2) of the said Act which is as follows:-

“80.(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.”

6. In view of above, the complaint will be filed before the Judicial Magistrate first class having jurisdiction over the matter.

Order accordingly,

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

**To,**

**1.Vanshika Rane,**  
UG1/UG2, Varadhraj Greens,  
Near HP Gas godown,  
Matve Dabolim, South-Goa, 403801.

**2.Sandeep Shirodkar,**  
C-1, Tilak Commercial Complex,  
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