



GOA REAL ESTATE REGULATORY AUTHORITY
DEPARTMENT OF URBAN DEVELOPMENT
GOVERNMENT OF GOA

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F.No:3/RERA/Completed Proj.(979)/2022/60a

Date: 25/08/2022

ORDER

(Dated: 25.08.2022)

The promoter '**Emgee Housing Private Limited**', has applied for registration of proposed project '**Bay Hills Phase 2**' under Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the said Act) read with the Goa Real Estate (Regulation 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 01.07.2022.

Enquiries were raised with regards to the below issues, however, the promoter has not furnished satisfactory reply:-

- a) Conversion deed
 - b) Details pertaining pending High Court case
2. An opportunity for hearing was given to the applicant on 22.08.2022 to explain the case. The representative of applicant appeared and pleaded the case. It is mentioned that the applicant has not submitted the conversion sanad issued under the Land Revenue Code. Similarly, as per order dated 28.07.2020 conveying the approval by Greater Panaji Planning and Development Authority, along with other conditions, a

reference was made of High Court Order at para 20 of this Order. The para 20 of this Order is as follows:

“20) This Development Permission is subjected to the order of the Hon’ble High Court which said “we clarify that any further action, on the basis of impugned plan, will be subject to further order in this Petition. Further, the concerned Authorities to make it clear to the parties, while granting permissions, that such permissions will be subject to further orders in this Petition.” (PIL/WP No.48/2019) Order dated 10.02.2020”


3. Regarding details of this Hon’ble High Court order mentioned in para 20 of the order of Planning and Development Authority, applicant submitted that similar conditions has been put by the PDA in other matters also. He expressed ignorance about the content of this order. In respect of conversion sanad, applicant has submitted a letter dated 29.08.2006 issued by Dy. Collector & S.D.O., Panaji. At the time of hearing he also submitted an order dated 28.02.2006 issued by Under Secretary (Revenue) published in the Official Gazette of Government of Goa. According to the applicant, based on these 02 orders, there is no need of conversion sanad in this case as the same has been exempted.
4. I have considered the case. The contents of letter dated 29.08.2006 issued by Dy. Collector & SDO, Panaji is as follows:-

“I have to refer to your application dated 9.5.2006 on the aforementioned subject and to inform that in the event there are structures in the land under survey nos. 225/1, 225/4 and 227/1 of Taleigao village, existing

since the time of first survey carried out under provisions of Land Revenue Code 1968 sometime between 1970 and 1972 or thereabout and in the event the land under these survey numbers falls under the settlement zone, then the whole of the area under the above mentioned survey numbers, is exempted from the operation of provisions of Section 30, 32, 33 and 34 of the Land Revenue Code 1968 in terms of the Government Order No. 16/11/90/RD dated 20.2.2006.”

Similarly, order dated 28.02.2006 issued by Under Secretary (Revenue) published in the Official Gazette of Government of Goa is as follows:-

“In exercise of the powers under section 35 of Goa Land Revenue Code, 1968 the Government hereby exempts from the operation of provisions of Sections 30, 32 33 and 34 the following lands:-

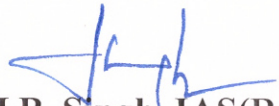


All those lands (Survey holdings) situated in the settlement zone as per Regional/ Outline Development Plan and the survey records such survey holdings i.e survey plan (First Plan prepared under provisions of Land Revenue Code, 1968 sometime in between 1970-1972 or thereabout) show existence of a structure. This will not apply to those survey holdings which are not shown in Settlement Zone in the existing Regional/Outline Development Plan but has its classification changed into settlement Zone from its

earlier classification in the existing Regional/Outline Development Plan.”

5. A plain readings of both these orders i.e. order dated 29.08.2006 issued by Dy. Collector & S.D.O., Panaji and order dated 28.02.2006 issued by Under Secretary (Revenue) stipulates that if there is a existing structure in the property, the same will be exempted from operation of provision of Section 30,32,33 and 34 of the Goa Land Revenue Code, 1968. However, in this property, whether the old structure was existing or not is not known. The said letter dated 29.08.2006 of Dy. Collector and S.D.O., Panaji is not an exemption order given for this land. In my opinion, this will not amount to exemption granted for conversion of land.
6. Applicant was given sufficient opportunity to produce the conversion sanad by raising the enquiry on the portal as well as hearing on 22.08.2022 before this Authority but applicant was unable to submit the same. As observed in the preceding paras, the letter and order submitted by the applicant does not amount to either conversion sanad or exemption from conversion sand.
7. Under the circumstances, application dated 01.07.2022 for registration of the project under Section 3 of the said Act is hereby rejected.

Order accordingly,


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

To,
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