



GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:3/RERA/Complaint (485)/2025/ **1666**

Date: **11** /12/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

Sonia Singh Bhardwaj,

N14 29H First Floor,

DLF Phase 2,

Gurgaon, Haryana-122002.

.....**Complainant**

Versus

Aansav Realty & Infrastructure Pvt. Ltd.

Through its managing Director,

Mr. Aatish Anoop Babani,

106, WDC Enclave,

Mabai Hotel Complex, Near Grace Church,

Margao, Salcete-Goa, 403601.

.....**Respondent**

Ld. Advocate Shri Neelesh Takkekar for the complainant.

Ld. Advocate Shri Pritesh Shetty for the respondent.

ORDER

(Delivered on this 11th day of the month of December, 2025)

This order shall dispose of application for production of additional document at exhibit 234/c filed by the complainant.

2. Briefly stated, the case of the complainant is as follows:-

That the complainant has filed the complaint alleging various issues with respect to the building complex known and identified as 'Aansav Verde Phase III' situated at Varca, Salcete and also with respect to the apartment allotted to the complainant in the said complex. The matter is now fixed for written arguments on behalf of the complainant. There are certain documents in the form of photographs of loco and whatsapp chats, which took place between the parties and which are produced on record with supplementary complaint, however the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 in support of the said printed documents were inadvertently not produced on record, which the complainant craves leave to produce in support of the photographs and whatsapp chats relied upon by the complainant. The said document is necessary for effective adjudication of the dispute involved in the present case.

3. The respondent filed a reply contending the application is not maintainable. The said photographs appear to be morphed and the whatsapp chats appeared to be tampered and manipulative. The certificate sought to be produced is in contravention of the mandatory compliance under Section 63 of BSA and therefore, not admissible. The document sought to be produced is manufactured, fabricated and created solely to mislead the Authority and defeat

the lawful rights of the respondent. The complainant has failed to demonstrate any good and sufficient cause for not producing the said document and therefore, the document may not be allowed as it causes serious and irreparable prejudice to the respondent.

4. Argument heard.

5. It is well settled that the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 can be produced at any stage of proceedings and a failure to produce the certificate in support of electronic record is a curable defect and not fatal and can be rectified later. The Hon'ble Apex Court in the case of '*State of Karnataka vs. T. Naseer alias Nasir alias Thandiantavida Naseer alias Umarhazi alias Hazi and others, 2023 SCC online SC 1447*' held that the certificate under 65-B of the Act (old Act) can be produced at any stage if the trial is not over, in accordance with law.

6. In the instant case, the complainant has produced on record the documents in the form of photographs of loco and whatsapp chats, which took place between the parties however, the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 was not relied upon, which the complainant desires to produce by way of the present application. The production of the said certificate is objected to by the respondent on the ground that it is

in contravention of mandatory compliance under Section 63 of BSA and that the said certificate is defective, unreliable and fabricated.

7. Nonetheless, the above objections of the respondent and the relevancy and genuineness of the said certificate can be examined at the time of final arguments and therefore, the production of the said certificate can be safely allowed, as it is well settled that non production of the certificate under Section 63 is a curable defect and it can be produced at any time during the proceedings. The said certificate produced in support of the documents is necessary and vital for effective adjudication of the dispute involved in the present case. No prejudice would occasion to the respondent, if the production of the certificate under Section 63 of the BSA is allowed as the respondent would be permitted to produce additional documents, if any in rebuttal of the documents and certificate produced on record.

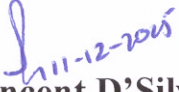
8. Having said so, I pass the following:

ORDER

- i. The application for production of additional document 234/c stands allowed.

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- ii. The respondent is at liberty to produce additional documents, if so desire.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.

Date: 11.12.2025.