



GOA@60

## 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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No.3/RERA/Complaint(114)/2020/ 201

Date: 09/04/2021

**Jeronimo Gaspar Alvares,**

C-501 Akruiti Aneri CHS Ltd,

Marol Maroshi Road, behind Seven Hills Hospital,

Andheri East, Mumbai 400059

.... Complainant

V/s

**Aditya Builders,**

214, Gera's Imperium I,

EDC Complex, Patto Plaza,

Panaji-Goa, 403001

..... Respondent

### ORDER

**Dated: 09/04/2021**

This is to dispose off the complaint dated May 8, 2020. In the said complaint, the complainant has stated that the flat No.AF2 at Aditya Residency, Aldona, Bardez Goa was purchased by him. He had booked the flat on 21/02/2007 and had taken the possession on 16/08/2008. Sale Deed was also registered on 1/08/2013 at the Office of Civil Registrar cum Sub Registrar, Bardez, Mapusa Goa. It has been mentioned in the complaint that at the time of taking possession, the builder has collected a sum of Rs.26,650/- towards formation of society but he has not formed the society till date. So request is for refund of the amount.

2. The respondent has filed the reply stating that the construction is very old. Construction License was obtained on 13/09/2006 and revised Construction License on 17/06/2008. He has received the Occupancy Certificate for Block A on 22/08/2008, Block B on 9/07/2009 and Block C on 3/03/2010.

3. Hearing in the case was fixed on 8/04/2021. Complainant was not present and he has sent a letter that he will be unable to attend the hearing as he live in Mumbai and there are restrictions to travel due to COVID Pandemic. However, he has sent the documents and requested the RERA Authority to consider and decide the case accordingly. Respondent attended the hearing through Advocate.

4. I have considered the case and gone through the provisions of Act and Rules. 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:-

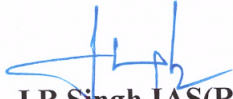
*“3. Prior registration of real estate project with Real Estate Regulatory Authority.- (1) No promoter shall advertise, market, book, sell or offer for sale, or invite may be, in any real estate project with the Real Estate Regulatory Authority established under this Act.*

*Provided that projects that are going 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.”*

5. From the above provision, it is clear that only the ongoing projects at the time of commencement of the Act as well as the future projects are coming within the purview of RERA Act. This section came in force on 1/05/2017. However, in Goa, rules were framed only on 24/11/2017 and Interim Authority was established after that. Interim Authority by Order No.11/35/2017-DMA dated 23/02/2018 prescribed 23/03/2018 as the last date for filing application for ongoing Real Estate Projects.

6. In this case, the project was completed much before the commencement of the Act i.e. in 2008, 2009 and 2010. Hence the complaints related with this project will not be coming within the purview of RERA Act and Rules made therein.

Complaint is rejected accordingly.

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

To:

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