

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 246 OF 2020

VENKATESH NARAYAN PRABHU MONI., ... Petitioner

Versus

GOA REAL ESTATE REGULATORY
AUTHORITY AT PANAJI AND 30 ORS., ... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.
Mr. N. Takkekar, Advocate for Respondent Nos.2 to 31.
Shri Yugendaraj V. Redkar, Dy. Town Planner is present for Goa
Real Estate Regulatory Authority- Respondent No.1.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 17th March, 2020

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel for the
Petitioner, Mr. N. Takkekar, learned counsel for Respondent
Nos.2 to 31 and Mr. Y. Redkar, Deputy Town Planner for
Respondent No.1.

2. Mr. Takkekar accepts service on behalf of Respondent
Nos.2 to 31 and states that he has instruction to waive further
notice in this matter.

3. The Petitioner submits that on 29th September, 2019 he
has applied for registration under Section 5 of the Real Estate

(Regulation and Development) Act, 2016 (the said Act) to the Respondent No.1. However, till date, the application is pending.

4. Mr. Costa Frias submits that the Respondent Nos.2 to 31 have, in the meanwhile, lodged a complaint before the Respondent No.1 making several allegations, including allegation that there is no registration and consequently some sort of deficiency in the functioning of the Petitioner.

5. Mr. Costa Frias submits that at one hand the Respondent No.1 is delaying the grant of registration and on the other hand, the Respondent No.1 is entertaining the complaint from the Respondent Nos.2 to 31.

6. On the aforesaid ground, the Petitioner, seeks a writ of mandamus to the Respondent No.1 requiring the Respondent No.1 to grant registration to the Petitioner's project "Prabhu Chambers" in terms of Section 5 of the said Act. The Petitioner also seeks a writ of mandamus to the Respondent No.1 to refrain from proceeding with the complaint made by the Respondent Nos.2 to 31 pending the Petitioner's application seeking registration.

7. Mr. Takkekar, learned counsel for Respondent Nos.2 to 31 points out that non registration is not the only grievance made

to the Respondent No.1. He submits that there are other grievances raised by the Respondent Nos.2 to 31 and consequently, there is no case made out to restrain the Respondent No.1 from proceeding with the complaint made by the Respondent Nos.2 to 31.

8. According to us, if the application of the Petitioner is for registration of the project "Prabhu Chambers" is pending before the Respondent No.1, then, it is only appropriate that the Respondent No.1 disposes of such an application in accordance with Section 5 of the said Act as expeditiously as possible and in any case within a period of 30 days from today. The Respondent No.1, will have to comply with the provisions of Section 5 in disposing of such an application.

9. In so far as the complaint made by the Respondent Nos.2 to 31 is concerned, according to us, no case is made out to stay further proceedings in such complaint. This is because the Respondent No.1 is yet to make any final order on the complaint and further, even if the final orders are made, the Petitioner has remedy by way of institution of an appeal under the said Act. According to us, it cannot be said that the Respondent No.1 has no jurisdiction at all to entertain the complaint made by the Respondent Nos.2 to 31.

10. Therefore, we dispose of this petition by directing the Respondent No.1 to consider and dispose of the Petitioner's application dated 29th September, 2019 on its own merits and in accordance with law as expeditiously as possible and in any case within a period of 30 days from today. However, we decline to grant any relief in so far as the complaint made by the Respondent Nos.2 to 31 which is pending adjudication by the Respondent No.1.

11. We make it clear that we have not adverted to the rival contentions and objections. Therefore, all contentions of all parties are left open for the decision of the Respondent No.1.

12. This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

13. All concerned to act on the basis of the authenticated copy of this order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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