

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1498 OF 2022 (F)

PRABHU CONSTRUCTION REP. BY
VENKATESH NARAYAN PRABHU ... PETITIONER
VS
STATE OF GOA THR. CHIEF
SECRETARY AND 38 ORS. ... RESPONDENTS

Mr. Ankur Kumar, Advocate for the Petitioner.

Mr. Shubham Priolkar, Additional Government Advocate
for Respondent No. 1.

Mr. Neelesh Takkekar with Ms. Ritzela Diniz, Advocates for
Respondent Nos. 3 to 39.

CORAM: B.P. COLABAWALLA, J.

DATED: 9th JANUARY 2023

P.C.

1. The above Writ Petition is filed *inter alia* to quash and set aside the order dated 9th June 2022, passed by the Goa Real Estate Regulatory Authority, in a Review Application filed by the Petitioner herein. The Review Application was filed by the Petitioner herein to review the order passed by the said Authority dated 17th March 2022.

2. The Goa Real Estate Regulatory Authority dismissed the Review Application on the ground that the same was not maintainable because there is no power of review invested in the Authority under the Real Estate (Regulation and Development) Act, 2016. The other ground on which the review was also rejected is that the principles of natural justice were fully complied with by the Authority before passing the impugned order dated 9th June 2022.

3. I have gone through the impugned order and also perused the papers and the proceedings of the above Writ Petition. It is an admitted fact that insofar as the State of Goa is concerned, the Goa Real Estate Regulatory Authority has no power of review. However, the learned Counsel appearing on behalf of the Petitioner submitted that the Regulations of the Maharashtra Real Estate Regulatory Authority give a clear power to the said Authority to review its own order. He, therefore, submitted that such a provision be also added to the Goa Real Estate (Regulation and Development) Rules, 2017. I am afraid that such a relief cannot be granted by the Court as it is a purely legislative function and it is for the legislature to decide whether it should invest the Goa Real Estate Regulatory Authority with the power to review its own order. Since, admittedly, as of today, the said Authority does

not have any power to review its own order, the impugned order cannot be faulted.

4. In these circumstances, I find no merit in the above Writ Petition. The Writ Petition is dismissed. However, there shall be no order as to costs.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.