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**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.959 OF 2022 (F)**

KASHINATH JAIRAM SHETYE ... Petitioner

*Versus*

THE STATE OF GOA, THR.  
CHIEF SECRETARY AND 3 ORS. ... Respondents

Mr. Ryan Menezes, Advocate *for the Petitioner.*

Mr. Devidas Pangam, Advocate General with Mr. Deep Shirodkar,  
Additional Government Advocate *for Respondent Nos.1, 2 and 3.*

**CORAM: M.S. SONAK &  
BHARAT P. DESHPANDE, JJ.**

**DATED: 6<sup>th</sup> September, 2022**

**P.C.:**

1. Heard Mr. Ryan Menezes for the Petitioner. Mr. Devidas Pangam, learned Advocate General appears along with Mr. Deep Shirodkar, Additional Government Advocate for Respondent Nos.1, 2 and 3.
2. For the order that we propose to make, the presence of the remaining Respondents is not necessary. Mr. Menezes, however, points out that even Respondent Nos.4 and 5 have been duly served in this matter.
3. This petition as originally filed, had sought the quashing of notification dated 23.09.2021, by which the Maharashtra Real Estate Appellate Tribunal, was designated as the common Tribunal for the State

of Maharashtra and the State of Goa in terms of Section 43 of the Real Estate (Regulation and Development) Act, 2016 (RERA Act). The Petitioner also sought for quashing of Order dated 21.01.2022 made by the Goa Real Estate Regulatory Authority.

4. Mr. Menezes handed in a draft amendment seeking to delete the original reliefs and substitute them with certain modified reliefs. The draft amendment also refers to certain alternate reliefs like directions to make sufficient provisions for filing of appeals in Goa and directions about Circuit Sittings and taking up matters in the virtual mode.

5. In the interest of justice, we formally grant the Petitioner leave to amend the petition. Amendment will have to be carried out forthwith.

6. Insofar as the challenge to the notification dated 23.09.2021 is concerned, we refer to Section 43 of the RERA Act. Sub-clause 4 of Section 43 clearly provides that the appropriate Government of two or more States or Union Territories may, if it deems fit, establish one single Appellate Tribunal. Therefore, there is nothing inherently unconstitutional in issuing the notification dated 23.09.2021 and constituting the Maharashtra Real Estate Appellate Tribunal as the Tribunal for the State of Maharashtra and the State of Goa.

7. Besides, the learned Advocate General has pointed out that in all, there are hardly 11 matters pending from Goa before the Appellate Tribunal. Taking into consideration the pendency position, we think that there is nothing arbitrary or unconstitutional in the impugned notification.

8. Insofar as the other reliefs are concerned, we think that the Petitioner, if so inclined, should approach the Registrar of the appellate authority and the State Government. The Petitioner is not justified in directly instituting this petition and raising such issues, particularly when the pendency position is so low. At this stage, therefore, there is no case made out for grant of such additional reliefs.

9. Insofar as the challenge to the Order dated 21.01.2022 is concerned, Mr. Menezes, on instructions, states that he will not press the challenge before us, but liberty may be granted to the Petitioner to challenge this order before the appellate authority. This is a reasonable approach and the Petitioner shall have liberty as prayed for, provided of course, the same is exercised in accordance with law.

10. We dispose of the petition in the above terms. There shall be no order for costs.

**BHARAT P. DESHPANDE, J.**

**M.S. SONAK, J.**