



GOA REAL ESTATE REGULATORY AUTHORITY
101, 1st Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 Goa
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F.No:3/RERA/Complaint (48)/2019/1094

Date: 18/8/2025

Mr. Anirudh K. Agrawal,

Age: 44 years,

Represented herein by his attorney,

Shri Shridhar P. Hegde,

Having office at Anand Bhavan,

Station Road, Margao, Goa, 403601.

.....Complainant

Versus

1. Ashvem Spa and Resorts Private Limited

Represented through its Authorised Signatory

Mr. Verner Velho,

Having its registered office at H. No. 102,

General Bernard Guedes Road,

Opp. Forest Department, Panaji, Goa.

2. M/s Adwalpalkar Construction and Resorts Pvt. Ltd.

Adwalpalkar Avenue, St. Inez,

Panaji Goa.

.....Respondents

Ld. Advocate Shri Premanand Velip for the complainant.

Ld. Advocate Shri Gaurish N. Agni along with Ld. Advocate Ms. Supriya Pai Kuchelkar for the respondent no. 1.

Respondent no. 2 absent.

ORDER

(Delivered on this 18th day of the month of August, 2025)

This order shall dispose of the application filed by the complainant at exhibit 414/c to initiate action under Section 63 of the RERA Act against the respondent no. 1, Ashvem Spa Resort Pvt. Ltd. for non compliance of the order passed by this Authority dated 09.11.2021 in case no. 3/RERA/Complaint (48)/ 2019/678.

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

That vide order dated 09.11.2021 in case no. 3/RERA/Complaint (48)/2019/678 filed by the complainant against the respondents was allowed and the respondent no. 1 was directed to comply with the said order, which is as follows:

“Respondent no. 1 is, hereby, directed to pay interest at the rate of 8% on the amount of Rs. 90,00,000/- w.e.f. 01.06.2018 to 31.10.2021 which comes to Rs. 24,60,000/- (Rupees Twenty four lakhs sixty Thousand only) as per provision of Section

18(1)(b) of the Act. This amount will be payable by Respondent No. 1 to Complainant within 30 days after receipt of this Order failing which he will be liable to pay interest on this amount w.e.f. 01.11.2021 till the entire amount of interest is paid/recovered. Again, Respondent no. 1 is also directed to pay monthly interest of Rs. 60,000/- per month commencing from November 2021 payable in the month of December between 1st to 10th of every month till premises is completed and delivered to complainant. In default of payment of this monthly interest also, respondent no. 1 will be liable to pay to the complainant interest at the rate of 8% per annum. Further, for the purpose of determination of compensation as discussed in Para 9 of this order, the case is referred to adjudicating officer in terms of Section 71 of the Act.”

3. The respondent no. 1 has neither complied with the order nor are the premises being delivered as on date. Even, the recovery proceedings initiated before the concerned Learned Mamlatdar have proved to be futile as no recovery is being done till date and thus, the order has remained a mere piece of paper with no relief to the

complainant and therefore, necessary action be initiated under Section 63 of the RERA Act.

4. Arguments heard. Notes of written arguments came to be placed on record by both the parties.

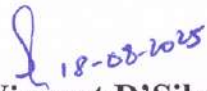
5. There is no dispute that the order as stated above has been passed by my predecessor on 09.11.2021 and the same is pending before the Ld. Mamlatdar of Tiswadi for compliance. It is not the case of the parties that the respondent no. 1 is not complying with the order passed by my predecessor before the executing authority or that the respondent no. 1 is deliberately avoiding the execution of the said order pending before the Ld. Mamlatdar nor the Ld. Mamlatdar has claimed that the respondent is not complying with the said order. It is therefore, not apposite on the part of the complainant to file the present application before this Authority to initiate action under Section 63 of the RERA Act against the respondent no. 1, Ashvem Spa Resort Pvt. Ltd. and therefore, the reliefs sought for by the complainant are not maintainable.

6. Hence, I pass the following:

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ORDER

The application filed by the complainant at exhibit 414/c to initiate action under Section 63 of the RERA Act, stands dismissed.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 18.08.2025