



**GOA REAL ESTATE REGULATORY AUTHORITY**  
**DEPARTMENT OF URBAN DEVELOPMENT**  
**GOVERNMENT OF GOA**

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F.No:3/RERA/Complaint(28)/2019/457

Date: 03/09/2020

Shri. Kashinath Jairam Shetye and 02 others.....Complainants.

V/S

M/s Civilco Engineers and Associates.....Respondents.

**ORDER**

This order has been passed on a petition filed by Shri. Kashinath Jairam Shetye and 02 others (Complainants), against Civilco Engineers and Associates (Respondent), in a Case No. 3/RERA/Complaint(28)/2018, which is currently under examination by the Authority, wherein, the Complainant has raised objection, vide petition dated 14.02.2020 against the manner of proceedings conducted by this Authority with respect to hearing by a 'Single Member of the Authority' in place of 'Full Authority' consisting of both the Chairperson and Members of the Authority,

2.1. The brief background of the case is as following:

The Complainants had filed a complaint before the Goa Real Estate Regulatory Authority on 10.08.2018. It has been stated that the respondents by not registering their project have violated various provisions under Section 3,4,5,6,8,9,10 of Real Estate (Regulation and Development) Act, 2016 and liable for action against them under provision of Section 59,60,61,62,69(1),71 of the above Act, and sought interim relief, that till the time the Respondents follow the Real Estate (Regulation and Development) Act, 2016 and Rules thereof, and completes all formalities of registration, the registration issued to the Respondents may be stayed.

2.2. The case was examined by the then Regulatory Authority, meanwhile, Full Authority started functioning with effect from 22.11.2019. The Chairperson of the Authority perused the case and allocated to Shri. P.V. Kamat, one of the learned Member of the Authority for hearing of the complaint and pass appropriate Order on merits, vide dated 11.11.2019. The learned Member, in the meanwhile, had been selected as the Member, Goa Human Rights Commission and resigned as Member of the Authority with effect from 13.02.2020.

3. The limited issue to be decided by this Authority now, as to (a) whether the complaint(s) is required to be heard by the Full Authority comprising of the Chairperson and all the Members of the Authority? Or (b) Chairperson and one Member OR (c) Two Members or by a single Member of the Authority?

4. In order to examine the above issues, I have carefully studied various provisions of the Real Estate (Regulation and Development) Act, 2016 and Rules thereof. Relevant provisions are cited below to determine the conduct of affairs of the Authority.

4.1. Section 25 under Chapter V provides for Administrative powers of the Chairperson of the Authority. Section 29 provides for the manner in which the meetings of the Authority is to be conducted. Section 81 under Chapter X Miscellaneous provides for Delegation of its powers and functioning under this Act to any Member, officer of the Authority. Section 85(2)(f) provides for manner in which business of the Authority required to be conducted. In sum, the Authority has been empowered to device and regulate its business within the ambit of the Act.

5. The Authority has noted the complaint dated 14.02.2020 filed by the



complainant regarding objection for hearing by a single Member of the Authority, and plea for sitting together with the Chairperson and other Member. I have heard both the parties on 05.03.2020. The complainant reiterated the stand submitted vide petition dated 14.02.2020, whereas the representative of the Respondent left the decision to this Authority. It is a valuable suggestion that could be incorporated in selected cases having far reaching implications, interpretation of substantial matter pertaining to Act/Rules, but may not be feasible in all cases/circumstances.

6. Ever since the Full Authority of Goa RERA started functioning, w.e.f. 22.10.2019, the Authority in principle already following the practice of deciding important matters through meetings such as, registration of real estate projects, agents, extension, etc. The Authority is regularly holding its meetings on weekly basis to decide on matters of urgent importance, interpretation of various provisions under the Act/Rules, issues raised by the stakeholders, etc. Based on the experience gained, the Authority has already put in place a formal mechanism to regulate its transaction of business for smooth functioning as provided u/s 8 5(2) (f) of the Act.
7. In the light of the above, I am of the opinion that the objection raised by the complainant, vide complaint dated 14.02.2020, against hearing by a single Member of the Authority alone and plea for sitting together with the Chairperson and other Member of the Authority may not be feasible in all cases but it may be implemented in important cases. Therefore, the issues brought out at para-3 of this order stands decided accordingly.
8. The main Complaint No.(28) 2018 will be heard by me. Next date of hearing will be on 10.12.2020 at 3:30 p.m.

9. Copy of the Order may be forwarded to both parties.

*ku*  
03/09/2020  
**S.Kumaraswamy, IAS(Retd.)**  
Chairperson, Goa RERA

To,

1. **Shri Kashinath Shetye & Others**,A-102, Raj Excellency, Patto, Ribandar, Goa.
2. **Civilco Engineers and Associates**, 01, Shri Saish Co-operative Housing Society, Near Savitri Hall, Haveli Curti, Ponda-Goa, 403401.