



GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

101, 1st Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 GOA

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No.3/RERA/Complaint (232)/2021 / 48

Date: 17/01/2022

Ketan Govekar and Supriyanka Govekar,
202 Greenhill Apartments, Alto Betim,
Porvorim Bardez, North Goa, 403521.

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Complainant

V/s

1. Mukundraj Mudras

First floor H.No. 296 Mudras Mansion
Odlem Bhat St. Cruz
Tiswadi-North-Goa, 403005.

2. Boa Casa Builders LLP,

F-4, First floor, church view,
Dr. Dada Vaidya Road,
Panaji-Goa.

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Respondent(s)

ORDER

This is to dispose of the complaint received on 13/09/2021 from Ketan Govenkar and Supriyanka Govenkar (hereinafter referred as the complainants) in respect of project 'Mudras Mansion' situated at village Calapur within the limits of Village Panchayat of Santa Cruz, Tiswadi Taluka, Goa. Mukundraj Mudras and Boa Casa Builders LLP has been made respondent/promoter. It has been alleged by the complainant that the respondents have committed many irregularities and illegalities in the said project 'Mudras Mansion'. A notice dated 29/09/2021 was issued to the respondent/promoter to file the reply within 10 days. The respondent has filed the reply dated 11/10/2021 and again reply dated 02/11/2021. In the reply issue of jurisdiction has been raised.

- The hearing in this matter was taken place on 08/12/2021 and 12/01/2022. On 12/01/2022 complainant as well as respondent No. 2 was present while respondent No.1 was absent. Case was argued on merit on preliminary objections raised by respondent. The complainant also submitted written synopsis in this matter.

3. It is the case of the respondent that completion certificate was issued in this case on 21/08/2017 and occupancy certificate was issued on 19/09/2017. These certificates were issued much before the formulation of the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website) Rules, 2017(hereinafter referred as Rules).
4. I have gone through the contents of the complaint, reply filed by the respondent and written submission by the complainants. I have also gone through the provisions of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as Act) and Rules framed by Government of Goa. The provisions in respect of registration of Real Estate project has been incorporated under Section 3 of the Act. The relevant portion of the said provisio Section 3(1) is as follows:

“3. Prior registration of real estate project with Real Estate Regulatory Authority.-

(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:”

5. Para 2 of the above mentioned Section 3 (1) is related with regulation of ongoing projects. As per this, the project that were ongoing before the commencement of the Act and for which completion certificate was not issued was coming under the category which requires registration. This Section 3 came into force on 01/05/2017. As mentioned above in the provisio of said Section 3(1), the Promoter were required to make an application within 03 months from the commencement

of this Act that is with effects from 01/05/2017. However, in Goa, Rules were framed only on 24/11/2017 and as per this Rule, 03 months time was provided to the promoter to file the application for registration from the date of commencement of these Rules. The said three months time was expired on 23/02/2018. Rule 4(1) of the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website) Rules, 2017(hereinafter referred as Rules) is transcribed below:

“4. Disclosure by promoter of ongoing real estate project.— (1) The promoter of an ongoing real estate project, for which completion certificate as provided by first proviso to sub-section (1) of section 3 has not been received shall submit application for registration of such project not later than three months from the date of commencement of these Rules.


Explanation.— The term “completion certificate” means such certificate, by whatever name called, which is issued by the competent authority under the provisions of the Goa Land Development and Building Construction Regulations, 2010, or any other law for the time being in force, after completion of real estate project.”

Again Interim Authority by Order No.11/35/2017-DMA dated 23/02/2018 prescribed 23/03/2018 as the last date for filing application for ongoing real estate projects without penalty. So this date 23/03/2018 has been treated as cut off date for determination of ongoing projects.

6. In this case, as mentioned earlier the completion certificate was obtained on 21/08/2017. By this date i.e. 21/08/2017 Rules for the implementation were not framed by Government of Goa and there was no forum for making the application for registration for Real Estate Projects. As mentioned earlier, Rules came into force only on 24/11/2017 and project registration for both new as well as ongoing projects started. Since in this case, completion certificate was already obtained before 23/03/2018 and before Rules came into force, in my opinion the project doesn't require Registration and consequently doesn't come under the jurisdiction of the Authority.

7. In view of above, the complaint dated 13/09/2021 made by the complainants is not maintainable and the same is rejected.

Order accordingly,


J. B. Singh, IAS(Retd.)
Member, Goa RERA

To,

1.Ketan Govekar and Supriyanka Govekar,
202 Greenhill Apartments, Alto Betim,
Porvorim Bardez, North Goa, 403521.

2.Mukundraaj Mudras

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