



GOA REAL ESTATE REGULATORY AUTHORITY

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

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F.No:1/RERA/Enfor.Auth.Comp. (353)/99/2024/1082 Date: 22/07/2026

Coram: Shri Vincent D'Silva, Hon'ble Member-Goa RERA

1. Mrs. Filomena Fernandes,

Age 44 years, married,

Wife of Shri Nicolau Geraldo Fernandes,

Indian National, House wife,

Resident of house no. 611/1,

St. Anthony Vaddo, Guirim, Mapusa,

Bardez, North Goa, Goa-403507.

2. Mr. Nicolau Geraldo Fernandes,

Son of Mr. Peter Fernandes,

Age 45 years, Service, Indian National,

Resident of house no.611/1,

St. Anthony Vaddo, Guirim, Mapusa,

Bardez, North Goa, Goa-403507.

...Complainants

Versus

1. M/s Alfredo M. Cotta and Associates,

A proprietary firm,
Managed by Shri Alfredo M. Cotta,
Son of late Eustaquio Cotta, age 59 years,
Businessman, Portuguese National,
Having office at First floor,
Beach Plaza (Annexee),
Nomoxin, P.O. Caranzalem,
Tiswadi, Goa-403002.
RERA No.PRGO06180509

2. Shri Alfredo M. Cotta,

Son of late Eustaquio Cotta,
Age 59 years, businessman,
Portuguese National,
Having office at First floor,
Beach Plaza (Annexee),
Nomoxin, P.O Caranzalem,
Tiswadi, Goa-403002.

3. V.P.K Urban Co-Operative Credit Society limited,

Through its Taleigao Branch,

Rajdeep Apartments, Amaralwada,

Taleigao, Tiswadi, Goa-403404.

.....Respondents

Ld. Advocate Mr. Aldrin Monteiro for the Respondent No. 1 and 2.

ORDER

(Delivered on this 22nd day of the month of July, 2026)

This order shall dispose of an application filed by the respondent no. 1 and 2 at Exh. 114/c to drop all the proceedings.

2. Briefly stated, the case of the respondent no. 1 and 2 is as follows:-

That the dispute between the parties stands finally disposed of by Order dated 18.04.2026 in S.A.33/20216 before the Hon'ble High Court and in pursuance of the aforesaid settlement, the application to deposit the cheques in the names of the both the Decree Holders has already been filed before Hon'ble District Court with intimation and acknowledgement to the respective parties. It is therefore necessary that all proceedings for recovery against the respondent No. 1 and 2 may be dropped forthwith.

3. It is a matter of record that a similar application for dropping of proceedings for recovery against the respondent No.1 and 2 was filed

before the Ld. Mamlatdar of Tiswadi Taluka, Panaji based on the order/decreed dated 18.04.2026 passed by the Hon'ble High Court of Bombay at Goa and that the Office of Mamlatdar of Tiswadi Taluka, Panaji-Goa, who was seized with the matter of the recovery of an amount of ₹.1,00,000/- (Rupees One Lakh Only) as penalty for violation of Section 11(4)(a) of the RERA Act, vide letter dated 12.05.2026 called on the Authority to take necessary action in the matter.

4. Arguments heard.

5. Ld. Adv. Shri. A Monteiro for the Respondent No. 1 and 2 has submitted that once the Appellate Authority modifies or reverses decision of the Authority, it is obvious that it is the decision of the Hon'ble Authority that is effective and can/should be enforced. In law, the position would be just the same even if the appellate decision merely confirms the decision of the Authority and the original decision merges in the appellate decision and it is the appellate decision alone that subsists and is operative and capable of enforcement. He further submitted that the dispute between the parties stands finally disposed of by Order dated 18.04.2026 before the Hon'ble High Court of Bombay at Goa and therefore, all the

proceedings for recovery against the respondents no. 1 and 2 be dropped.

6. Admittedly, my Predecessor by Order dated 31.01.2024 disposed of the complaint filed by the aforesaid complainants under the RERA Act and amongst various reliefs, directed the respondent No.1 and 2 to pay ₹.1,00,000/- (Rupees One Lakh Only) as penalty for violation of Section 11(4)(a) of the RERA Act. It also directed that the said penalty amount, if realized by this Authority to be forfeited to the State Government.

7. Under the Real Estate Regulatory Authority, a penalty cannot be waived of provided the order imposing penalty is either reduced or set aside by the Appellate Authorities. There is no dispute that the respondent no. 1 and 2 have not paid the penalty of ₹.1,00,000/- (Rupees One lakh only) imposed by Goa RERA in terms of the Order dated 31.01.2024. No doubt, the parties inter-se have settled the matter with respect to the financial obligations before the Hon'ble High Court of Bombay at Goa as per the order/decreed dated 18.04.2026, in which the respondent no. 1 and 2 made a statement that there are no other claims against the appellants/respondent no. 1 and 2 and all the disputes and differences between the parties have now

been resolved in terms of clauses (i) to (ii) of Para 5 of the said settlement terms.

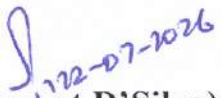
8. There is however no averment or a formal positive statement in the said settlement terms/decreed dated 18.04.2026 of the Hon'ble High Court of Bombay at Goa that the penalty imposed by the Authority and payable to the Government has been waived or reduced. The said settlement terms do not in any way impede the Authority from recovering the said amount of penalty imposed under Section 61 of the Act for violation of Section 11(4)(a) of the RERA Act. There is also no provision in the RERA Act for waiving of the penalty, once imposed, nor can the proceedings be dropped as the penalty by the defaulter form a part and parcel of the State revenue.

9. It is therefore, the above submissions of Ld. Adv. Shri. A Monteiro and the application filed by the said parties cannot be countenanced and hence, required to be dismissed. Needless to mention, the Office of Mamlatdar of Tiswadi Taluka, Panaji-Goa is duty bound to proceed to recover the amount of penalty of ₹.1,00,000/- (Rupees One Lakh Only) in terms of Order dated 31.01.2024 of the Authority, as per law.

10. Having said so, I pass the following:

ORDER

- i. The application filed by the Respondent No. 1 and 2 at exhibit 114/c to drop all proceedings, stands dismissed.
- ii. The Office of Mamlatdar of Tiswadi Taluka, Panaji-Goa shall proceed to recover the amount of penalty of ₹.1,00,000/- (Rupees One Lakh Only) in terms of Order dated 31.01.2024 of the Authority, as per law.


(Vincent D'Silva)

Member, Goa RERA

Panaji, Goa.

Date: 22.07.2026.