



GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:3/RERA/Complaint (416)/2024 /187

Date: 11/02/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

Raj Aguiar Enclave Co-operative Housing Society Ltd.,

Through its Chairman,

Mr. Amit Kamat,

Near Old Military Camp,

Dhavli, Ponda, Goa-403401.

.....Complainant

Versus

Raj Housing Development Pvt. Ltd.

401, 4th floor, Rajdeep Galleria,

Sadar Ponda, Goa-403401

.....Respondent

Ld. Advocate Pradosh Dangui along with Adv.Ms Akshaya Joglekar for the Complainant.

Ld. Advocate Satish S. S. Pilgaonkar for the respondent.

ORDER

(Delivered on this 11th day of the month of February, 2025)

This order shall dispose of the application for production of additional documents filed by the complainant.

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

The complainant has made a categorical statement as regards to the documents in the complaint, however inadvertently remained to be produced at the time of filing of the complaint. The complainant had sent various communications

to the respondent regarding pending works and handing over of the accounts to the society on many occasions but the respondent failed to oblige with the duties under the agreement for sale and the sale deed. The complainant desires to rely upon the communications addressed to the respondents for complying with structural defects as mentioned in Para 4 of the application. No prejudice of whatsoever nature would be caused to the Respondent, in any event, if these documents are taken on record as the present matter is yet to be decided by this Hon'ble Authority.

3. The respondent filed a reply stating that the documents sought to be produced by the complainant by way of present application are false and fabricated and are not material in the present proceedings and no sufficient cause has been shown by the Complainant as to why the documents were not produced at the relevant stage. There is no provision under RERA Act for production of Additional documents. The present application for production of additional documents is filed only to delay the proceeding and fill the lacunas at the belated stage and hence, is liable to be dismissed with costs.

4. Arguments heard.

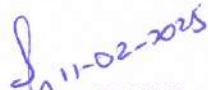
5. The complainant has filed the application for production of additional documents claiming that the said documents have been inadvertently remained to be produced at the time of filing of the complaint since the filing of the complaint was done through online uploading process. The materials on record indicate that the complainant in Paras 7 & 8 of the complaint has stated that it had sent various communications to the respondent regarding the pending works and handing over

of the accounts to the society on many occasions. The proposed documents have been referred at Paras 7 & 8 of the complaint, which are the communication addressed to the respondent for complying with the structural defects and the documents pertaining to the accounts of the society. No prejudice would occasion to the respondent, if the documents are allowed as they are within the knowledge of the respondent. The documents are also relevant for effectually deciding the controversy between the parties. The objections raised by the respondent therefore cannot be entertained.

6. Hence, I pass the following:-

ORDER

The application for production of documents stands allowed.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 11.02.2025