



GOA REAL ESTATE REGULATORY AUTHORITY
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F No: 3/RERA/Sou Moto Comp.(474)/2025/ **750** Date: **14/05/2026**

To,

1) Kyaji Real Estate Pvt Ltd

Anand Bhavan, Station Road
Margao, Goa

2) ALYF Proptech Private Limited

H. No. 901, The Trees, Pirojshanagar,
Vikhroli East, Mumbai City,
Maharashtra-400079.

Ld. Adv. Gaurish Kudchadkar alongwith Ld. Adv. Premanand Velip for
the Promoter and Real Estate Agent

ORDER

(Delivered on this 14th day of the month of May, 2026)

- 1) A complainant was filed by Shri Ajeyo Sharma on 22.03.2025
bearing No Case No. 3/RERA/Complaint (474)/2025 under
Section 31 of Goa RERA Act. The above complaint was

dismissed vide Roznama dated 06/03/2026, the relevant part of the Roznama is as follows,

“ ...Since the complainant has voluntarily consented to remove him as a party, the complaint does not survive and is dismissed. However , independently the Authority shall be conducting a sou moto inquiry with respect to the Promoter (Kyaji Real Estate Pvt Ltd) and the Real Estate Agent (ALYF Proptech Private Limited”.

- 2) During the course of proceeding of the above complaint, it was observed that ALYF Proptech Private Limited have marketed a project named “Vitaura by Alyf, Colva South Goa”, which is not registered with Goa RERA. Accordingly a Soumoto inquiry was initiated and notices were issued to the Promoter (Kyaji Real Estate Pvt Ltd) and Real Estate Agent (ALYF Proptech Private Limited). Both parties have filed their replied which is as follows:
- 3) The Promoter herein had filed a detailed reply dated 12.02.2026 in Case No. 3/RERA/Complaint(474)/2025/947 before this authority which complaint touches the subject matter of the captioned Suo Moto inquiry in respect of the Project 'Vitaura', Phase I under Survey No. 29/12-B and Phase II under Survey No. 29/12-A of Colva Village, Salcete, Goa.

4) REPLY DATED 12/02/2026 OF PROMOTER (KYAJI REAL ESTATE PVT LTD) TO CASE NO. 3/RERA/COMPLAINT(474)/ 2025/947

The Kyaji Real Estate Pvt Ltd is a Private Limited Company based in Goa and is involved in the business of real estate development including commercial and residential spaces and has its projects both in South Goa as well as in North Goa and are being registered with this Goa Real Estate Regulatory Authority for various projects wherever eligible and is a law abiding entity with clear records and no RERA complaint has been filed against them by any person till date, complaining the breach. During the course of its business they have acquired following two distinct properties amongst others:

A. Property bearing Survey No. 29/12-A of Colva Village, with an area of 2380.00 sq. meters (hereinafter referred to as "PROPERTY A"), having purchased the same vide Deed of Sale dated 07/09/2011 duly registered in the Office of the Sub-Registrar, Salcete under Reg. No. MGO-BK1-04854-2011, CD No. MGOD54 registered on 09/09/2011.

B. Property bearing Survey No. 29/12-B with an area of 2482.00 sq. meters (hereinafter referred to as "PROPERTY B") having purchased the same vide Deed of Sale dated 07.09.2011, duly registered in the Office of the Sub Registrar



of Salcete at Margao, under registration No. MGO-BK1-04853-2011, CD Number MGOD54 dated 09.09.2011.

5) Pursuant to the purchase as aforesaid, they decided to develop the said two properties independent of each other considering the restrictions then imposed by the Hon'ble High court of Bombay at Goa in Writ Petition No. 02/2007 vide Order dated 13.08.2013, directing the Local Bodies not to grant any Construction licenses beyond 4 dwelling units and in pursuance thereto applied and obtained following permissions:

In respect of Property A

a. Technical Clearance Order of the office of the Senior Town Planner, dated 15.05.2023 for 2 Villas (4 Units) followed with Construction License dated 26.07.2023 for the said 2 villas in respect of Sy. No. 29/12-A, from office of the Village Panchayat, Sernabatim, Vanelim, Colva & Gandaolim.

In respect of Property B

a. Technical Clearance Order of the office of the Senior Town Planner, dated 15.05.2023 for 2 Villas (4 Units) followed with Construction License dated 26.07.2023 for said 2 villas in respect of Sy. No. 29/12-B, from Office of the Village Panchayat, Sernabatim, Vanelim, Colva & Gandaolim.



6) It is pertinent to note that as on the date of obtaining the aforesaid licenses the minimum threshold of units required to qualify a project to be registered under RERA did not match and thus even if the entire development in Property A and Property B taken together also could not have qualified for RERA Registration as the total units proposed were only 8 in no's. Further owing to the restriction put by the High Court of Bombay at Goa in Writ Petition No. 02/2007 directing the Local Bodies not to grant any Construction licenses beyond 4 dwelling units, there was no any further scope of constructing more dwelling units in either of the properties so as to come under the ambit of RERA.

The promoter stated that it is only in the year 2024 the Hon'ble High Court vide its order dated 22.04.2024 lifted the order restricting grant of license beyond 4 dwelling units pursuant to which the promoter applied for and were granted following permissions/licenses for construction of additional units in Property A and Property B as under:

In respect of Property A

- a. Technical Clearance Order of the office of the Senior Town Planner, dated 26.09.2024 for additional 2 Villas followed with Construction License dated 20.08.2025 in respect of Sy. No. 29/12-A, from Office of the Village Panchayat, Sernabatim,



Vanelim, Colva & Gandaulim, for construction of aforesaid additional 2 Villas.

In respect of Property B

- a. Technical Clearance Order of the office of the Senior Town Planner, dated 27.11.2024 for additional 3 Villas followed with Construction License dated 03.07.2025 in respect of Sy. No. 29/12-B, from Office of the Village Panchayat, Sernabatim, Vanelim, Colva & Gandaulim, for construction of aforesaid additional 3 Villas.
- 7) It is only after lifting of the restriction by the Hon'ble High Court and grant of the aforesaid construction license dated 03.07.2025 the aforesaid development if taken together exceeded the limit of 8 dwelling units required to qualify a project for RERA registration that too when taken together when in fact the development in both the properties are being undertaken independently.
- 8) The aforesaid permissions obtained were independent for each of the property and the development proposed and approved as per the approved plans approved by the competent authorities is separate, distinct and independent for Property A and Property B.
- 9) In pursuance to the aforesaid licenses and the various other permissions obtained, they started the development in each of the property and as the area of the Property A or of Property B so also

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the number of units in Property A or in Property B did not exceed the ceiling determined for registration of project under RERA, the Promoter did not apply for RERA registration to this Hon'ble authority.

10) The Promoter further stated that to market the aforesaid villas in Property A which were initially only 4 units (subsequently revised to 6 units as on 20.08.2025) and to market the aforesaid Villas in Property B which were initially only 4 units (subsequently revised to 7 units as on 03.07.2025), the services of the M/s ALYF PropTech Pvt Ltd (Real Estate Agent) were engaged, who were to advertise the development in Property A and Property B at their discretion, cost, fees and expense and in pursuance thereto two separate Term Sheets came to be executed between M/s ALYF PropTech Pvt Ltd (Real Estate Agent) & Kyaji Real Estate Pvt Ltd on 21.10.2024 in respect of development in Property A and Property B.

11) The Promoter stated that in the month of November 2025 they were apprised of the present complaint, immediately decided to join in the present proceedings and have presented their application for intervention on 02.12.2025, however, it was advised to file the same on next date of hearing fixed on 15.01.2026 and on the said date of hearing they joined as a party in the present proceedings.

12) At this juncture and before proceeding with the complaint, they submits that, as is learnt from M/s ALYF PropTech Pvt Ltd (Real

Estate Agent), when the Complainant was approached, the Promoter had approval for construction and sale of only 8 units. The remaining units were depicted in the brochure solely to inform prospective clients of the proposed future development, which if permissible under the law would have been undertaken in future, so that the future development plans are not concealed from the prospective purchasers. As per the rules prevailing at that time, permission to construct the additional units could only be sought after obtaining the Occupancy Certificate (OC) for the initial 8 villas.

- 13) Subsequently, following the change in applicable rules and upon the Village Panchayat of Colva complying with the requirement of establishing an MRF facility in the village, the Respondent no. 2 applied for and were granted permission to construct the additional 2 villas in PROPERTY A in August 2025 and additional 3 villas in PROPERTY B in the month of July 2025.

Since the development was being carried out on two separate plots, with each plot having fewer than 8 units, the respondent no. 2 were under the bona fide belief that the provisions of RERA were not applicable to the project. However, upon further consultation, the promoter was advised to seek clarification from the RERA authorities regarding whether the project may be considered as phased development and thereby fall within the purview of RERA,

which was accordingly done as being Law abiding citizen and with readiness to apply for registration.

Parallally and without prejudice, the promoter has initiated the process of registering the project under RERA. The promoter are in the process of compiling all requisite documentation and have commenced the procedure for opening the designated RERA bank accounts, the application for registration of the project shall be submitted shortly for your kind consideration.

- 14) The aforesaid being the factual position in brief, the Promoter shall now deal with the Complaint as under:
- 15) The Complaint as filed by the Complainant is bad in law, devoid of merits, not maintainable and deserves to be dismissed at the threshold.
- 16) The Complainant is not an allottee or cannot be said to be an aggrieved person to file any complaint and have no locus standi to file the present complaint and thus the present complaint needs to be dismissed on this count alone.
- 17) The Promoter denies each and every statement made at para 2 to 4 of the present complaint for want of knowledge and puts the Complainant to strict proof thereof. These Respondent reiterates that the development as undertaken by it is independent in each of the property.

18) With reference to para 5 of the complaint, no illegality can be attracted in marketing the development as is being undertaken independently in each of the described properties. The complainant's inference of project being marketed illegally based on the assumption that the entire 13 villas are being developed on a single plot or that for the purpose of RERA both the properties must be looked as single property is incorrect and cannot sustain under the law. Even for the sake of discussion, the development in both properties is considered as common then also it having not exceeded the ceiling of 8 units until July 2025 there was no question of registering of the development before this Authority. There is no breach of any requirement of RERA by the said Real Estate Agent and or promoter. Assuming without admitting that the project was erroneously advertised as single development, legally the same are two different projects to which RERA does not apply and thus the real estate agent did not commit any breach of RERA rules or regulations. Considering the aforesaid, the Complaint under reply needs to be dismissed and be dismissed accordingly.

19) **REPLY OF PROMOTER (KYAJI REAL ESTATE PVT LTD)**

TO SOU MOTO INQUIRY

(i) Further the promoter have separately applied on 27/02/2026 for registration of the project 'Vitaura' in Two Phases being Vitaura- Phase I and Vitaura- Phase II under Goa RERA, wherein



responding to the withdrawal directions given therein by your authority, we have provided explanation of connection of both the phases and the said applications are pending adjudication.

- (ii) Also further promoter has replied to the sou moto inquiry as two points are there for determination, being (i) the reasoning for filling two separate application instead of filing a combined application and (ii) nature of contractual relation with Alyf Proptech Pvt. Ltd..
- (iii) As regards first anticipated point for determination, as the Survey Numbers, Licences and Permissions so also Commencement Dates and Completion Dates of Phase I of the Project Vitaura and Phase II were/are different and both shall be developed independently of each other.
- (iv) As per the promoter it is prudent to register both the Phases separately and not with any intention of fishing response from this authority of non-applicability of RERA. Promoter has bonafide intentions of registering the project is clear from the fact that in explanation to the withdrawal direction, They have clarified about both Phases of Vitaura, such that in case the project Vitaura-I which is Phase I of the project Vitaura and Vitaura-II which is Phase II of the project Vitaura are considered as single project with two phases, the projects are registerable.



(v) Now, adverting to second apprehended point for determination, for the very reason that both the Phases were separate and independent, Kyaji Real Estate Pvt. Ltd. also executed two separate contracts with Alyf Proptech Pvt. Ltd. with intention of promoting the sales of the premises at both the Phases i.e. Vitaura-Phase I and Vitaura-Phase II.

(vi) Considering the explanation as aforesaid and explanation as provided in the email Reply dated 21/03/2026 in response to project registration. They have requested to consider their applications for registration of the projects and the projects as applied be registered and the present inquiry be dropped.

20) During the course of proceeding the promoter (*KYAJI REAL ESTATE PVT LTD*) also placed on records a memo dated 05/05/2026 giving details of the Agreement for Sale signed.

21) **AFFIDAVIT IN REPLY FILED ON BEHALF OF ALYF PROPTECH PRIVATE LTD**

The Real Estate Agent has filed the present Affidavit on behalf of ALYF Proptech Private Limited to answer the limited question for which notice was issued upon the company. Shri Rupesh Jadhav, Director of ALYF Proptech Pvt Ltd has been authorized by ALYF vide Board Resolution dated April 20, 2026 to file the present Affidavit.

22) Alyf Proptech Private Ltd is a registered agent under Section 9 of



the Real Estate Act, 2016, bearing registration no. AGGO07221043 and a certificate in that respect was granted on 04.01.2023, which is valid till 27.07.2027.

- 23) The Complaint pertains to development of two plots, being- Survey Nos. 29/12-A (admeasuring 2,380 sq. mtrs. on which 6 Villas are proposed) and 29/12-B (admeasuring 2,482 sq. mtrs. on which 7 Villas are proposed) in Colva Village. The said properties are being developed by the owners- Kayji Real Estate Private Limited, who entered into an arrangement with ALYF for marketing, branding, advertising of the projects on the two Plots.
- 24) In furtherance of the Term Sheets cited above, ALYF has acted in good faith and bona fide belief that the project is not required to be registered under RERA and that the compliances in respect of the requirements under RERA have been duly followed in respect of the project. There has been no deliberate or willful contravention of provisions of the RERA with any mala fide intent or ulterior motive.
- 25) ALYF Proptech had been authorized to market and brand the projects by Kayji Real Estate Private Limited and the marketing of the total 13 units on the two plots were done on the website of ALYF on the bona fide belief and understanding that the development of the two plots were distinct and would not require registration under the provisions of RERA and as such the



marketing of a common page and platform would not be in contravention of the laws.

26) In pursuance of the above arrangement, brochure was published on the website somewhere in December 2024, in respect of the development of the said two Plots, which was named as Vituara by ALYF. However, since Complaint in respect of the project came to be filed by Mr. Ajeyo Sharma and the issue whether the development of the two plots of land would require registration under RERA was sub-judice, ALYF pulled down the brochure on 20.11.2025 until further clarity and conclusion of the proceedings. I say that as on date, ALYF is not involved in marketing of the project and the same shall be done only upon conclusion of the present proceedings.

27) Based on the information and documents received in respect of the development of the two plots, it was understood that the two plots are being developed distinctly, with different plans and approvals from various authorities. The number of villas proposed for plot situated on Survey No. 29/12-A, admeasuring 2380 sq. mtrs, is 6 whereas, the number of villas on Survey No. 29/12-B, admeasuring 2482 sq. mtrs. is 7. Therefore, the Project was bonafidely believed as exempted from registration as per the criteria provided in Circular No. F. No. 1/RERA/Circulars/2019/811 dated 17.08.2023 issued by Goa RERA which clarifies that those real estate projects



where number of apartments/units proposed to be developed is less or equal to eight apartments/units inclusive of all phases shall not require Goa RERA registration irrespective of whether the area of the land proposed to be developed is less than or more than 500 sq. mtrs.

28) In this context, it may be noted that there are two distinct plots which are proposed to be developed distinctly. Although each Plot size is more than 500 sq. mtrs., the number of unit proposed in each of the Plot is less than 8 and hence, both the plots are exempt from registration under RERA.

29) That two Plots are being independently developed. Following are the dates when the licenses/approvals granted in respect of the two plots

:Sr. No.	Details of documents	Survey No. 29/12-A	Survey No. 29/12-B
1	Technical Clearance Order	15.05.2023 [For 2 Villas (4 Unis)]	15.05.2023 [For 2 Villas (4 Unis)]
2	Construction License pursuant to above Technical Clearances	26.07.2023	26.07.2023.
3	Technical Clearance Order	26.09.2024 [For 2 Villas single dwelling]	27.11.2024 [for 3 villas single dwelling]
4	Construction License pursuant to above Technical Clearances at Sr No. 3	20.08.2025	03.07.2025

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30) Above details can be gathered from below documents:-

- i. There are two separate Plans submitted and approved by the Town Planning authorities. Bare perusal of the Floor Plan/Layout shows that the area of each Plot has been taken into consideration for Coverage Calculations and Floor Area Ratio Calculations. A separate Plan has been approved for Villas proposed to be constructed on Survey No. 29/12-A, based on its area of 2,380 sq. mtrs. The proposed 6 Units and the construction plan is thus, based on the permissible FAR for the area of 2,380 sq. mtrs. Similarly, a separate Plan has been approved for construction of 7 units based on the Coverage and FAR available for Survey No. 29/12-B admeasuring 2,482 sq. mtrs.
- ii. Construction License is granted on 26.07.2023 by the Village Panchayat of Sernabatim for proposed construction of Twin Villas 1 & 2 (4 units), swimming pool and compound wall on Survey No. 29/12-A for which Kayji Real Estate Pvt. Ltd. has paid the applicable fees. On the other hand a different Construction License is granted for construction of Twin Villas A & B (4 Units) swimming pool and compound wall on Survey No. 29/12-B.
- iii. Separate Technical Clearance Order has been obtained from



the Office of the Senior Towns Planner, Margao- Goa, in respect of the individual Plans submitted in respect of the two plots. Technical Clearance has been given in respect of Survey No. 29/12-A on 26.09.2024 whereas, Technical Clearance Order has been given in respect of Survey No. 29/12-B on 27.11.2024. As such, the development permission for the Plots are independent of each other and separate actions and consequences shall entail for any breach or violation in terms of the Technical Clearance Order

iv. Separate taxes have been paid for the clearances and approvals to the relevant authorities.

v. Director of Health Services has provided NoC for each Plot and each phase of the construction of the Plots. NoC dated 15.10.2024 is granted for proposed construction of 2 Villas and swimming pool on Survey Nos. 29/12-A on 15.10.2024 whereas, subsequent NoC is granted on 14.12.2024 for construction of 3 units of residential villas and swimming pool on Survey No. 29/12-B.

31) In addition to the above, the schedule of construction and the timelines for receiving Commencement and Occupation Certificate are different for both the Plots. The developer/promoter has obtained the requisite approvals and clearances for development of the plots. Hence for all purposes, the development of the two Plots

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have been seen as distinct for assessment whether, a registration under RERA and compliances as a composite construction will be purposive. The construction of the two plots being completely distinct is apparent from the documents and the site, which is open for public at large to inspect and make decision.

32) The entrance to Survey No. 29/12-B is through an easement by necessity through the adjoining plot. Since, the said plot 29/12-B is land-locked an easement by necessity was created for private access through Survey No. 29/12-A, as there is no other means to create path for entrance to Survey No. 29/12-B but by granting access through Survey No. 29/12-A. Hence, the same access has been developed into a pathway / road by the developer, Kayji Real Estate Pvt. Ltd. after purchasing the property.

33) ALYF has earned good reputation in the real estate business and conducts ethical practice. The promoters of ALYF have been part of the real estate sector for a long time and have delivered their commitments. Hence, there is no mala fide intent in marketing the project by deliberately avoiding registration of the project. Rather, various legal and RERA professionals were consulted in respect of requirement of registration of the project by ALYF as well as the developer independently. Based on the assessment of the existing provisions and the distinctness of the development of the two plots, it was and is genuinely believed that no registration would be



required under Goa RERA based on the understanding of the project and the laws. Further, there is no express authority or precedent covering the present scenario.

34) Hence, ALYF proceeded to market the project on their website.

However, as stated above, the marketing was stopped after a question was raised before this Ld. Authority as to the requirement of registration. I say that in the event this Ld. Authority concludes that the two plots are composite project and ought to be registered under RERA, the same shall be complied with and the marketing will commence upon such registration being completed. In the circumstances, it is prayed that this Ld. Authority may condone any action that has been taken out of ambiguity or misunderstanding of the law and provide an opportunity to ALYF to rectify the errors as to marketing of the projects.

ASSESSMENT

35) Taking note of the fact that the developer M/s Kyaji Real Estate Pvt Ltd has acknowledged that two projects conceptualized, as interpreted by them, do get joined on the axis of:

- a) The brochure advertising them as a single project.
- b) The STP being common to both.
- c) The entrance and the “gating” being common to both.

36) In view of the above, the fact that M/s Kyaji Real Estate Pvt Ltd volunteered to register the project as a single project under Real Estate

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(Regulation and Development) Act 2016, Section 3, the fact that only 2 out of the 13 units have been sold, that both the 2 allottees have given their NOC for the registration. In as much as the registration of any project under Real Estate (Regulation and Development) Act 2016, fulfills a public purpose & benefits existing allottees, the plea of the builder finds merit.

ORDER

37) Accordingly the following direction /order is issued

- a) The builder/developer may immediately apply for the registration of the project comprising of both Vitaura-Phase I and Vitaura- Phase II.
- b) Till the above registration is completed , M/s Kyaji Real Estate Pvt Ltd is refrained from selling/advertising the said development.
- c) The Real Estate Agent , M/s ALYF Proptech Private Limited is also bound down for the same at 35 (b) above.


Dharmendra Sharma, IAS(Retd)
Chairperson, Goa RERA