



## GOA REAL ESTATE REGULATORY AUTHORITY

101, 1<sup>st</sup> Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 Goa  
www.rera.goa.gov.in

Tel: 0832-2437655; e-mail: goa-rera@gov.in

F.No:3/RERA/Com. Proj(1246)/2023 / 482

Date: 05/10/2023

### ORDER

**Sub: In The matter of registration of real estate project  
"MOHIDIN'S HAMLET BY THE BAY".**

This order decides the application dated 18/08/2023 for registration of already completed real estate project "MOHIDIN'S HAMLET BY THE BAY" ( hereby referred as 'project'), a residential plotted development in survey No. 194/1-A-3, village Sancoale, Mormugao taluka, South Goa District by Shri Avez Azim Shaikh ( hereby referred as ' promoter') having office address at 0-1, 1<sup>st</sup> floor, Commerce Centre, Old Bus Stand, Vasco Da Gama, Goa. The project is consisting of developing 59 plots in an area of 14634 sq. mtrs in the phase-I. The project said to have started on 31/12/2021 and completed on 09/11/2022 through self financing.

2. Goa Real Estate Regulatory Authority (Goa RERA) has earlier rejected registration of the said project on 22/04/2022 due to non- submission of "No Objection Certificate" ( NOC) by the promoter from the Forest Department of Goa, as the said project/ Survey No. is located in the domain of " Private Forest" provisionally identified by V. T. Thomas and F. X. Araujo Committee, and subsequently found it to be not qualifying the criteria of private forest by the Government appointed Review Committee, in order to rule out disputes in future.

3. The order of the Goa RERA dated 22/04/2022 was challenged by the promoter in the Hon'ble Maharashtra Real Estate Appellate Tribunal, Mumbai also Appellate Tribunal to the Goa RERA in Appeal No. G-1/ 2022. The Hon'ble Tribunal in its order dated 18/10/2022 rejected the appeal of the promoter. Subsequently, the promoter said to have continued the development of the project and completed it by 09/11/2022 through self financing and applied for registration of the project again on 18/08/2023 before this Authority prior to sale of plots.

4. The Promoter in support of his claim has submitted the following documents and paid requisite fee as given under:

- a) Provisional Development permission issued by the Mormugao Planning and Development Authority (MP&DA) Vasco Da Gama, Goa dated 29/11/2021 and Provisional NOC issued by the Village Panchayat of Sancoale, 31/12/2021 respectively.
- b) Deed of Sale dated 27/09/2022 registered at the Sub Registrar of Mormugao Taluka,
- c) Title Search Report dated 10/11/2022.
- d) Conversion Sanad dated 10/06/2009 issued by the Collector, South Goa District.
- e) Certificate of Encumbrance of property dated 08/11/2022 and 09/12/2022 issued by the Sub- Registrar, Mormugao.
- f) Final NOC/ Completion Certificate/ Development Permission dated 09/01/2023, issued by the MP&DA
- g) Final NOC issued by the Village Panchayat, Sancoale dated 09/11/2022 and 08/03/2023 respectively.
- h) No Objection Certificate dated 28/03/2023 issued by the Naval Authorities.
- i) Extract of 3<sup>rd</sup> Interim Report of Review Committee of Forest Department of Goa.
- j) Gazette notification dated 10/08/2023 published by the Forest Department of Goa regarding "Part Final Report" on Private Forest encompassing an area

of 455.1081 Hectares which has been reviewed and finalized in all respects by the Review Committee till its 06 (Six) Part Final reports, as Private Forest in the State of Goa.

- k) Clarification Order dated 31/07/2023 issued by the Forest Department of Goa regarding Review Committee's 05 (Five) Interim Reports shall be read as "Part Final Report".
- l) Affidavit cum Declaration dated 17/08/2023.
- m) C.A. Certificate dated 17/08/2023.
- n) Draft Agreement for sale to be undertaken in prescribed format.

5. The Authority has considered the submission of above documents along with project details by the Promoter and noted the latest development in identification and finalization of Private Forest by the Review Committee constituted by the Government of Goa including Gazette notification issued by the Forest Department of Goa dated 10/08/2023 and completion of the project. The promoter has been directed to appear before the Authority on 29/09/2023 and also submit an affidavit undertaking to the effect that the project has not yet marketed along with certified copy/ notarized copy of the clarification order dated 31/07/2023 issued by the Forest Department of Goa.


6. The Authority heard the promoter on 29/09/2023. The promoter has submitted to the Authority the said documents mentioned at para 5 above.

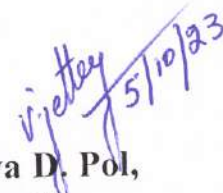
6.1 As regards to the marketing of the project is concerned , the promoter stated that the said project completed by him as on 09/11/2022 as per final NOC issued from the Village Panchayat, Sancoale and the same is self financed. He also stated that the project has not been advertised, marketed, booked, sold or offered to sell till date, and he intended to market and sell the said project, and hence, approached the Authority for registration.

6.2 As regards to the Clarification Order issued by the Forest Department of Goa dated 31/07/2023 is concerned, the promoter stated that the Gazette notification published on 10/08/2023 clarifies that the 05 Interim Reports of the

Review Committee shall now be called "Part Final Report" which are uploaded on the website of the Forest Department of Goa . The Promoter further stated that the said Gazette Notification clarifies that the 06 Part Final Reports of the Review Committee under the direction of Hon'ble National Green Tribunal has finalized the Survey Numbers which qualify as Private Forests. That the entire Survey No. 194 of Sancoale village does not qualify as Private Forest. Hence, the property under Survey No.194/1-A-3 of Sancoale village being a subset contained in the larger Survey number 194 of Sancoale village, Mormugao taluka has not been listed in the Survey Numbers notified in the said Gazette, and hence the property in question is not a "Private Forest".

7. The Authority has considered various documents and other project details as furnished by the promoter as mentioned at aforesaid paragraphs 5 and 6 above. The Authority is of the view that the survey no. 194/1-A-3 is not constituted as Private Forest in the light of 3<sup>rd</sup> Interim Report of Review Committee on Review of Private Forest Areas identified by the North Goa and South Goa District Committee and the clarification Order dated 31/07/2023 issued by the Forest Department of Goa to treat 05 (Five) Interim Reports as "Part Final Report" alongwith Gazette Notification dated 10/08/2023 issued by the Forest Department of Goa. Further, the promoter has furnished all relevant documents and the details of the project which is already completed. In the light of above, Goa RERA decided to accord registration of the said Real Estate Project.

  
**S. Kumaraswamy,**  
Chairperson

  
**Vijaya D. Pol,**  
Member

To,  
**Mr. Avez Azim Shaikh**  
0-1, 1<sup>st</sup> floor, Commerce Centre,  
Old Bus Stand,  
Vasco Da Gama, Goa, 403802