



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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F. No:3/RERA/Complaint(126)/2020/ 847

Date: 16/11/2022

Gera Development Pvt. Ltd.

200, Gera Plaza Boat Club Road,
Pune, Maharashtra-411001

.....

Complainant

V/S

Edwin ER Cotta,

Building No. 5, Flat S2, Kamat Complex,
P.O. Caranzalem, Tonca Ilhas-Goa, 403002

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Respondent

ORDER

Dated: 16.11.2022


M/s Gera Developments Pvt. Ltd., addressed at No. 200, Gera Plaza Boat Club Road, Pune, Maharashtra-411001 (Complainant) filed a complaint dated 11.09.2020 against Shri. Edwin ER Cotta, Building No. 5, Flat S2, Kamat Complex, P.O. Caranzalem, Tonca Ilhas-Goa, 403002 (Respondent).

2. The grounds for complaint is against violating terms and conditions under clause 6 and 8 of the Articles of Agreement entered into between the complainant and respondent dated 15.10.2018 for sale/purchase of flat No. 502 on 5th floor in building No. 4 with one covered car parking in the project "Gera's River of Joy Apartments".
3. The said project is registered with the Goa RERA under registration No. PRGO03180092 dated 24.03.2018. The complainant stated that the

- respondent has paid only Rs.4,82,996 (Rupees Four Lakhs Eighty Two Thousand Nine Hundred and Ninety Six only) and there remains outstanding balance payment of Rs.24,14,980 (Twenty Four Lakhs Fourteen Thousand Nine Hundred and Eighty Only).
4. The complainant filed the present complaint seeking cancellation of the Agreement dated 15.10.2018 entered with the respondent and also issue injunction against complainant not to create any third party interest until it is decided by the Authority.
 5. The Authority after scrutiny of the complaint and provisions under the Real Estate (Regulation and Development) Act, 2016 decided to hear the matter under section 19(6)(7)(8) read with section-67 of the said Act. Thereafter, notices issued to both parties from time to time.
 6. The complainant was represented by Advocate, Viola Mendonca, Advocate C. Padgaonkar, Legal Consultant Ms. M. Naik, Advocate Apeksha Kalokha, Advocate Pallavi Shirodkar, Advocate P. Remedios. The respondent decided to represent in person to argue his case, and the same permitted.
 7. During the course of hearing, the respondent stated that he failed to deposit balance amount of Rs.24,14,980 (Twenty Four Lakhs Fourteen Thousand Nine Hundred and Eighty Only) due to delay in sanctioning housing loan from the SVC Co-operative bank amidst Covid-19 impact. He sought time for payment.
 8. The respondent's plea transmitted to the complainant. The complainant agreed to await sanctioning of loan to the respondent and also consented to provide necessary information and documents to the bank for expeditious sanction of loan to the complainant.
 9. Pursuant to the above, both parties have submitted a joint submission vide letter dated 10.11.2022 that the matter stands settled between themselves as following:

“the complainant herein withdraws the present complaint unconditionally filed against the respondent. The Deed of cancellation with regards to unit No. 502, 5th floor, Building No. T-4 of Gera’s River Of Joy Apartments has been executed and registered on 09.11.2022 before the office of Sub-Registrar of Ilhas at Panaji between Gera Developments Pvt. Ltd. and Shri. Edwin ER Cotta and his wife Smt. Yuka Maeda. The complainant has handed over the cheque amounting to Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand only) drawn on ICICI Bank, Pune, bearing Cheque No. 01604 dated 10.10.2022 to the respondent and the respondent has accepted the same towards full and final settlement claim and the respondent has no further grievance against the complainant herein”

10. In the light of above, the complaint stands disposed of.


S.Kumaraswamy, IAS(Retd.)
Chairperson, Goa RERA

To,

1. Gera Development Pvt. Ltd.

200, Gera Plaza Boat Club Road,
Pune, Maharashtra-411001

2. Edwin ER Cotta,

Building No. 5, Flat S2, Kamat Complex,
P.O. Caranzalem, Tonca Ilhas-Goa, 403002