



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 (46)/2019/225

Date: 02/03/2020

Mr. Rajesh Nair and Sapna Nair,

26, Ruby Villa, Agni Enclave,
Silver Springs, By pass, A.B. Road,
Indore, Madhya Pradesh.

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Complainant

V/s

M/s Provident Housing Ltd.,

No.130/1, Ulsoor Road,
Karnataka, Bangalore, Urban.

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Respondent

Order

This is to dispose off the complaint of Mr. Rajesh Nair and Sapna Nair (hereafter referred as Complainants) against 'Provident Housing Limited' regarding project 'Adora de Goa'. The notice was sent to the Respondent through Goa RERA portal on 13/02/2019 to file the reply. No reply was filed by Respondent. Again, a Registered letter dated 07/10/2019 was sent to Respondent but no response. The case was fixed for hearing and was taken up 05/02/2020 and 25/02/2020. On both the occasions, Respondent was not present.

2. It is the case of Complainants that Respondent had launched a residential project namely Adora de Goa – 1 and approached the complainants in the month of June 2018 for booking an apartment in the project. Complainants booked a two Bedroom apartment in the project and an amount of Rs. One lakh was paid by Complainant to Respondent in this regard. Complainant was promised a sea-facing two Bedroom apartment. Again, Complainant was invited on the occasion of launching of Project on July 28, 2018 at Hotel Hyatt, Goa and he travelled by Air to reach Goa for participating on the occasion. During the Launching Ceremony, he was informed that there is no sea-facing apartment in the project. Subsequently, Complainant visited the site and it was confirmed that there was no provision for sea facing two bedroom apartment in the project.

3. The Complainants issued legal notices dated 04/09/2018, 24/09/2018 and 18/10/2018 through their Advocate and also cautioned that in case grievances of Complainants are not sorted out, they will lodge Complaint against the Respondent for conduct unfair Trade practices. Now, Complaint has been filed before Goa RERA and Complainants have requested as under:


- 1) Respondent be directed to provide 2 BHK sea facing apartment to Complainants and if it is not in the project then provide 3 BHK sea facing Apartment against the same cost to deter unfair Trade practices and cheating business.
- 2) Alternatively ; the Respondent be directed to pay lump-sum compensation of Rs. 5 lakhs for the amount of Rs. One lakh paid by Complainants, expenses incurred in Travelling and lodging, inconveniences caused and mental agony suffered due to unfair trade practices adopted by Respondent and legal expenses incurred.
- 3) Cost of the Complaint.

4. From the documents produced by Complainants, it is seen that Respondent had offered sea facing Two BHK apartment. This is a case of deceiving. Now, sea facing Two BHK apartments are not there in the project. Hence, Respondent cannot be directed to provide sea facing Two BHK apartment. Demand for allotment of three BHK apartment on the same price is also not proper and hence, cannot be considered. However, Complainants will be entitled for principal amount i.e. Rs. One lakh paid at the time of booking of apartment plus compensation.

5. Complainants have requested a lump sum compensation of five lakhs for the amount of one lakh paid to Respondents. This amount of five lakhs as compensation seems to be on higher side. Complainants have submitted their particulars of expenditure alongwith all the documents which comes to Rs. 82,098=56. This amount is rounded to Rs. Eighty Thousand. After addition of amount of Rs. one lakh paid for booking of apartment, the total amount comes to Rs. one lakh eighty thousand. Respondent has not contested the case. In response to notices, he has not sent any reply. He was also not present at the time of hearing through duly served. Hence, I take his amount of compensation i.e. 1,80,000=00 (One lakh eighty thousand only) as fair and reasonable one.

6. Under the circumstances, I direct respondent to pay the sum of Rs. 1,80,000=00 (One lakh eighty thousand only) to Complainants as compensation and final settlement. The entire amount should be paid within 15 days after receipt of this order.

Order accordingly.


(J.B. Singh, IAS (Retd.))
Member, Goa RERA

To,

1. **Mr. Rajesh Nair and Sapna Nair**, 26, Ruby Villa, Agni Enclave, Silver Springs, By pass, A.B. Road, Indore, Madhya Pradesh.
2. **M/s Provident Housing Ltd.**, No.130/1, Ulsoor Road, Karnataka, Bangalore, Urban.

