



GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:4/RERA/Adj. Matters (134)/2025/ 1090 Date: 23/07/2026

BEFORE THE ADJUDICATING OFFICER

1. Mr. Joseph Bonaventure Rodrigues

2. Mrs. Brenda Barbara Rodrigues

518, Gera Astoria, Souto Maior Road,

Caranzalem, Goa, 403002

.....Applicants

Versus

Prescon Homes Pvt. Ltd.,

A Company Registered Under the companies Act,

Representing by its Directors:

1. Mr. Nirmal Bhagirathprasad Kedia

2. Mr. Vijay Kumar Puranmal Khowala

Registered Office: 201, 2nd Floor, Prestige,

Precinct, Almeida Road, Panchpakhadi,

Thane(West), 400601.

.....Respondents

Applicant No 1 appearing in person and also for Applicant No 2.

Ld. Advocate Shri I Agha representing the Respondent.

ORDER

(Delivered on this the 23rd day of the month of July, 2026)

The Respondent filed the present application under consideration, for dropping proceedings under Section 71 of RERA Act as under:-

1. That the Applicants no. 1 and 2 filed Application for Compensation before this Authority under Section 12,14,18 and 19 R/W Section 71 of the RERA Act and the Respondents put up their appearance on 10/10/2025. That on 6/11/2026 the Respondents filed Application for Stay placing on record the Stay dated 16/9/2025 obtained before the MAHAReat, Mumbai where Appeal filed by the Respondents is pending adjudication. That on 24/11/2025 the matter was fixed for Arguments on Stay Application. That in the Order dated 16/9/2025, the Respondents were directed to deposit entire amount as per the Order of the Learned Authority towards interest and deposit 30% of the amount towards penalty.
2. That the Respondents accordingly deposited the amounts as per the Order in the registry of MAHAReat on 26/9/2025 by way of two Demand Drafts and placed before this Authority the

acknowledged copy of the same by way of filing Memo on 24/11/2025. Further that on 4/12/2025 the Applicant No. 1 filed Application for initiating proceedings U/S 227, 228 and 229 of Bhartiya Nyaya Sanhita marked as Exhibit 198/C.

3. Further that on 16/1/2026 the Respondents filed Reply to Application at Exhibit 198/C. That the Applicant no. 1 filed another Application for initiation of Criminal Proceedings U/S 15 of Contempt of Courts Act, 1971 marked Exhibit 229/C. That on 10/2/2026, the Applicant filed one more Application for Urgent Criminal Contempt Proceedings for Unrepentant Repetition of Act of Perjury and Contempt of Court U/S 15 of Contempt of Courts Act, 1971. Marked at Exhibit 241/C and that on 23/2/2026 reply was filed by the Respondents.

4. Further that on 2/4/2026 and 15/4/2026, Arguments on Application for Stay were heard and Order was passed on 24/4/2026 dismissing the Application for Stay and the matter was next fixed for Arguments of Exhibits 198/C, 229/C and 241/C and on 30/4/2026, arguments were partly heard on Exhibits 198/C, 229/C and 241/C.

5. It is further submitted on behalf of the Respondent that on 18/6/2026 the Adjudicating officer passed an Administrative Order observing that since the Applicants are senior citizens and since the proceedings are filed for Compensation under the Goa RERA Laws and Act, the present Application under Form 'B' needs to be taken up for hearing and disposal for hearing and disposal at the earliest. It was also observed that the Applications at Exhibits 198/C, 229/C and 241/C shall be taken up subsequently. The Applicant No. 1 was also directed to register the Applications at Exhibits 198/C, 229/C and 241/C separately while attaching the said Applications after the Applicant registers the same to the present proceedings. It was also observed that the Arguments on Exhibit 198/C shall be taken up later after the Application in Form 'B' for Compensation is disposed.

6. It is stated that the Applicant no. 1 filed Applications at Exhibits 198/C, 229/C and 241/C being fully aware that the Adjudication Officer is only invested with the power to decide on the Compensation under Sections 12, 14, 18 and 19 R/W

Section 71 of the RERA Act. That, the Adjudication Officer is a Quasi-Judicial Authority which is not empowered to entertain the Applications at Exhibits 198/C, 229/C and 241/C and were to be rejected outright.

7. Further that from 4/12/2025 till 18/6/2026 valuable time of the Authority got wasted only in entertaining the frivolous and sham Applications filed by the Applicants and now that the Roznama Order is passed to the prejudice and injustice to the Respondents. That, the Roznama Order dated 18/6/2026 is patently bad in law and is outside the scope of the RERA Act. Photocopy of the Roznama is annexed. As a result, the Application which had to be disposed within a period of Sixty days as contemplated under section 71 of RERA Act is not yet disposed even after Eight months. The reasons for the delay are also not recorded in writing and great hardship and harassment is meted to the Respondent due to the conduct of the Applicant.
8. That this Court is left with no other option then to first dismiss the Applications at Exhibits 198/C, 229/C and 241/C as the same is outside the purview and ambit of this Authority. Consequently, the Application under section 12,14,18 and 19

R/W section 71 of the RERA Act also deserves outright rejection/dismissal as the statutory time limit to dispose of the Application within Sixty days has expired. No extension to the statutory provision to dispose of the Application within the period of sixty days is contemplated under the RERA Act. That, the Reply if any to the main Application under Form 'B' is not filed today and the same shall be filed after the decision of the present Application. That hence, the Applications at Exhibit 198/C, 229/C and 241/C needs to be dismissed.

9. The Applicant filed his reply to the said application as under:-
That the Rera Act is patently ill conceived and needs to be dismissed with exemplary costs for wasting the precious time of this Forum which is already labouring under serious time constraints, and also for causing undue harassment to senior citizens aged 85 and 82 who are burdened with health issues.
10. That the prayer a) of the Respondent to dismiss Applications at Exhibits 198/C, 229/C and 241/C as being beyond the scope and ambit of this Adjudicating Officer is devoid of any merit and in any case the Adjudicating Officer has passed Order for

these to be registered separately, which has already been actioned. Hence this prayer is infructuous as Exhibits 198/C, 229/C and 241/C cannot now be dismissed at this stage and the said Exhibits will be taken up separately under due process of Law.

11. That the Respondent sought to take advantage of the fact that the present forum presided over by the Adjudicating Officer is not a civil court, and recklessly indulged in acts of perjury and of contempt of court as per details elucidated and documentary evidence submitted in the Applications filed by Applicant No.1. Notwithstanding these, the Respondent went on to shamelessly repeat the perjury in subsequent writings and had the temerity to repeat the same perjury even in the latest Application, in Para 3 where he falsely claims that a Stay dated 16/09/2025 was granted by MahaREAT, whereas the roznamas of Appeal AT07/00407 reveal that even as late as 18 February 2026, the Appellant therein, who is the Respondent herein had failed to fulfil the specific conditions laid down by MahaREAT in order to avail of a Stay. That yet the respondent has the temerity to

state that stay dated 16/09/2025 was obtained from MAHAREAT, and is being deliberately repeated.

12. Further that it reveals the contemptuous disrespect the Respondent harbours for the current proceedings in this Forum. Attached hereto marked Annexure 1 is Order dated 18 February 2026 in Appeal AT07/00407 which records, in Para 10, “Prima facie, the calculations submitted by the promoter are not in accordance with the impugned order as we have discussed earlier.” Whereas the Promoter deposited a total amount of Rs 6.49.405, MahaREAT ordered: “The appellant promoter is directed to deposit the additional amount of Rs 16,50,449 towards the full compliance...” That was in February 2025. Yet three months earlier, in November 2025, the Respondent herein committed Perjury by claiming that he had secured a STAY DATED 16/09/2025 from MahaREAT though he had failed to fulfill the conditions to obtain a Stay.
13. The Respondent plunged into perjury and contempt of court in these proceedings, counting on the fact that this forum/body has not been constituted as a civil court –

Taking this as licence for him to go ahead and commit Perjury and Contempt of Court -- repeatedly. However, the Respondent will be aware that his deliberate acts of committing Perjury and Contempt of Court cannot be wished away or concealed and they will be taken up in due course under due process of Law, rendering him answerable.

14. The Respondent's prayer b) is "To dismiss Applications under sections 12, 14, 18 and 19 R/W Section 71 of Rera Act as the limitation as contemplated under the Rera Act has lapsed." If indeed it is true that "the limitation as contemplated under the Rera Act has lapsed," all that the Respondent needed to do in order to secure his prayer, would be to quote from the relevant section of the Act and point out exactly where dropping of proceedings is prescribed. In fact his quoting section 71 of RERA Act, as is done in para 18 only serves to reveal how utterly fatuous the reasoning and the prayer b) is. The relevant clause in Section 71 of the RERA Act is 71(2) which reads: (2) *The Application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a*

period of sixty days from date of receipt of the Application:

Provided that where any such Application could not be disposed of within the said period of sixty days, the adjudicating officer shall record his reasons in writing for not disposing of the Application within that period."

15. Clearly, in the event of the matter not being disposed of within 60 days, the Act enjoins upon the adjudicating officer that he records his reasons in writing and not by the furthest stretch of imagination can it be construed that the Act envisages dropping of proceedings. The Act entitles the Respondent to seek from the Adjudicating Officer "his reasons in writing for not disposing of the Application within that period." (of 60 days). The Act in no way entitles the Respondent to seek dropping of proceedings.
16. The stand taken by the Respondent, that proceedings be dropped for the reason that they could not be completed within 60 days is illogical in the extreme given the fact that it was the Respondent who from the very start caused delays in the proceedings. The Roznamas will reveal that on the pretext of going for settlement, the Respondent took adjournment after

adjournment on the specious excuse that the Director was not available/the Director/his close relative was sick, or more time was needed etc. The Respondent kept doing flip-flops, at one time vehemently stating that the Director was extremely annoyed because of the Application for Perjury and therefore refused to settle, and at a subsequent hearing, reviving 'settlement' and retiring to confer about a settlement figure and then returning to insist on a clubbed settlement of the Compensation case and of the awards in the impugned Order of 5 March 2025..... but never mentioning any concrete amount as a settlement.

17. The other delay ploy was to claim that an alleged stay obtained in another matter before the Appellate Tribunal automatically constituted a stay on the current matter before the adjudicating officer, though this was totally independent and separate from the Appeal matter. The roznamas prove several months were wasted on this issue. Further that because of the acts of Perjury and Contempt of Court by the Respondent Applications from the Applicant were necessitated – but the Respondent repeated

the Perjury shamelessly, even in the latest Application of 24 June 2026. This was also time consuming.

18. That, it is significant to note that to date the Respondent has neglected for over nine months to file any Reply to the Main Application Form B --- and now seeks to cause further delays by seeking extension of time to do so.
19. It is a well established principle of law that a party should not be allowed to take advantage of his own wrongdoing, which is precisely what the Respondent is attempting to do here. The Respondent has caused delays in devious ways and now seeks to have proceedings dropped for the reason that the matter was not concluded within 60 days. This is a classic case of a party seeking to take advantage of a situation caused by his own wrongdoing.
20. With reference to paras 3, 5 & 6 of the current Application by the Respondent, this is a repetition of a perjury, claiming a Stay dated 16/09/2025 was granted by Maha REAT. The essential pre-condition for the Stay to be secured was for the promoter to make deposit as per impugned Order dt 5 March 2025. (in

Para5).Contrary to what the Respondent claims in para 6, the promoter failed to deposit the amount as per the impugned order. This is recorded by the Justices themselves in Order dated 18 February 2026. They stated that Rs 6,49,405, the amount deposited by the promoter was not as per the terms of the impugned Order of 5 March and there was a shortfall of Rs 16,50,449/-. Also it was the Registry who would inform the concerned Authorities the moment the Stay came into force. To date, the Registry has not informed the Adjudicating Officer that there is any Stay.

21. With reference to Para 7, 8 & 9, it is to be noted that the Applications filed by the Applicant were necessitated by the fact that the Respondent had, in fact, committed perjury and contempt of court as was substantiated with documentary evidence in the said Applications.
22. With reference to para 12, it is utterly false for the Respondent to insinuate that the Adjudicating Officer passed an administrative order for the Application under Form B to be taken up immediately because the applicants are senior citizens. The observation by the Adjudicating Officer that the Applicants

are senior citizens was disjointed from the need to take up Applications under Form B immediately. The Rozama of 18/06/2026 will substantiate this.

23. With reference to Paras 13 & 14, the fact that the present forum adjudicating the Compensation Case is not a civil court and therefore functions under certain restrictions seems to have been interpreted by the Respondent as an open invitation to indulge in perjury and contempt of court with gay abandon, never considering that there could be consequences for such unbridled abuse of the process of Law. The Respondent presumed that because supposedly the Adjudicating Officer is not empowered to investigate offenses u/s 227, 228 & 229, he was entitled to commit these offences without fear or shame. He resorted to giving false evidence and flashing before Authorities like the Mamlatdar papers purported to be a Stay obtained, and false claims of deposits made as per impugned Order – which was disproved subsequently by the Hon'ble Justices themselves in their Order dated 18 Feb 2026 and also fearlessly giving the Mamlatdar as proof of deposit made, false details of Demand Draft as No. 003731 dt 18/9/2025 whereas the MahaREAT

Registry receipts dated 26/09/2025 for payments made, show the correct Demand Draft details as Nos 003735 & Nos 003736 dated 24/09/2025 – Fabricating false evidence.

24. With reference to Para 15, it is stated that it is ludicrous for the Respondent to now lament and complain when his own deliberate acts of perjury and contempt, repeated shamelessly, have begun to loom large with possibility of consequences not likely to be lightly brushed off and that with references 17,18, & 19, the conclusion sought to be drawn, namely that as per provisions of Section 71, the proceedings need to be dropped is, in a word, ludicrous. That it is clear that the present Application of the Respondent is a desperate attempt to carry on creating roadblocks and delays and it needs to be dismissed with punitive costs.
25. I have gone through the material on record and also considered the oral arguments advanced before me. The Applicant No 1 has relied upon the following citations and stated that, these judgments collectively establish that falsely claiming the existence of a stay order, or invoking a court's authority without fulfilling conditions imposed by the court, amounts to criminal

contempt under Section 2(c) of the Contempt of Courts Act, 1971, especially when such acts mislead public authorities and obstruct lawful proceedings.

- 1) That, in *Murray & Co. v. Ashok Kumar Newatia*, (2000) 2 SCC 367, The Supreme Court held that filing false statements or invoking the authority of the court amounts to criminal contempt.
- 2) In *T.N. Godavarman Thirumulpad v. Ashok Khot*, (2006) 5 SCC 1, The Court held that any act which has the tendency to interfere with or obstruct the administration of justice, including misuse or misrepresentation of court orders, constitutes criminal contempt. The intention to gain advantage by abusing court orders aggravates the offence.
- 3) That in *Delhi Development Authority v. Skipper Construction Co. (P) Ltd.*, (1995) 3 SCC 507, The Supreme Court held that parties who obtain benefits by misleading courts or authorities and by abusing judicial process commit serious contempt. Fraud and misrepresentation relating to court orders strike at the root of justice.

- 4) In *Advocate General, State of Bihar v. Madhya Pradesh Khair Industries*, (1980) 3 SCC 311, The Supreme Court clarified that criminal contempt includes acts which interfere with or obstruct the course of justice, even if such acts occur outside the courtroom, including communications to third parties relying on false claims of court authority.
- 5) In *Bank of Baroda v. Sadruddin Hasan Daya*, (2004) 1 SCC 360, The Court held that deliberate misuse of interim orders or false claims of protection from court to stall lawful proceedings amounts to abuse of process and attracts contempt jurisdiction
26. The point for determination and my finding to the same is as under:-

Sr. No.	Point for determination	Finding
(a)	<i>Whether the present proceedings are required to be dropped under Section 71 of the Goa RERA Act?</i>	<i>In the negative</i>

REASONS

27. At the outset, I am to mention that the point for my determination is to find out “Whether the present proceedings are required to be dropped under Section 71 of the Goa RERA Act”? Therefore, I shall proceed to give my findings only with respect to the point for my determination and not to extraneous references made in the application and reply to grievances of perjury, contempt etc.. as the said matters will be taken up for hearing separately and efforts are being made to dispose off expeditiously the present matter under Section 71 of the RERA Act for Compensation.
28. It is part of the records that applications for perjury, contempt, stay of the proceedings, replies have been filed before the present application. Since it was observed that the application filed under Section 71 of the Goa RERA Act was getting obstructed for timely disposal , as such directions were issued to separate the applications filed for perjury and contempt for hearing separately and for taking up the application filed under Section 71 of the Goa RERA Act for hearing on priority.

29. There is no provision for dropping of the proceedings under the Real Estate (Regulation and Development) Act, 2016.

However, Section 71(2) of the RERA Act provides as under:

“Section 71(2): The Application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the adjudicating officer shall record his reasons in writing for not disposal of the application within that period.”

30. It is an admitted fact that the application filed by the Applicants 1 and 2 under Section 71 of RERA Act, could not be disposed off within the said period of sixty days as envisaged under Section 71(2) of the RERA Act for various reasons such as working out possibilities of settlement , applications for perjury, contempt, stay of the proceedings , replies etc. However, as the application filed under Section 71(2) of the RERA Act is still

pending, the adjudicating officer could not record the reasons in writing for not disposal of the application within that period. The reasons for not disposing the application under Section 71 of the Real Estate (Regulation and Development) Act, 2016 within the said period of sixty days, shall be recorded in writing as per the above said provision upon the passing of the final order, disposing off the application filed under Section 71 of the Real Estate (Regulation and Development) Act, 2016.

31. There being no merits in this application for dropping proceedings under Section 71 of RERA Act, as such I dismiss the same.

Done
23/07/2026.

Sayonara Telles-Laad
Adjudicating Officer,
Goa RERA