



GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:4/RERA/Adj. Matters (128)/2024/1218

Date: 15/09/2025

BEFORE THE AJUDICATING OFFICER

Nikhil G. Dhumatker,

Radhabai H.No. 1820 2 Porvorim,

Bardez, Goa 403521.

.....Applicant

Versus

Comunidade of Serula through its managing committee,

West Coast Residency Alto-Porvorim,

Bardez, Goa 403521.

.....Respondent

Ld. Advocate Asmita Tirodkar representing the applicant.

Ld. Advocate Sanket Kamat representing the respondent.

ORDER

(Delivered on this 15th day of the month of September, 2025)

Vide this Order, I shall dispose off the application filed by the respondent at Exh. 172/c for stay of the proceedings.

2. Ld. Adv. S. Kamat argued on behalf of the Respondent stating that he had filed a composite complaint under Section 31 of the RERA Act, 2016 praying to ensure that the subject complex is completed in all respects and the subject shop is handed over to the applicant; compensation for delay as also monthly compensation. Vide Order dated 13.08.2024, the Goa RERA, inter alia, referred

to the Adjudicating Officer for the purpose of deciding the appropriate compensation in terms of law under Section 71 of the Act.

3. Regulation 4 of the Procedure for Adjudicating Complaints and Determining Compensation by the Authority and Adjudicating Officer, Regulations, 2021, states as under:-

“4) The procedure for adjudicating complaints and determining compensation by the Authority and Adjudicating Officer shall be regulated as follows:

(i) In a complaint, if the relief sought is of refund of the amount along with interest or payment of interest for delayed delivery of possession, or imposing penalty and interest thereon, the Authority shall examine and decide the complaint.

(ii) In a complaint, if the relief sought is of compensation or interest by way of compensation, the Adjudicating Officer has power to determine compensation under Section 71 and 72 of the Act.

(iii) In a complaint, if the relief sought consists of both above (i) and (ii) instances, then the Authority shall adjudicate its part first and thereafter, refer it to the Adjudicating Officer for the limited purpose of determining compensation and interest thereon. Under such circumstances, Adjudicating Officer may proceed to determine compensation based on the findings of the Authority, keeping in view the factors outlined in Section 72 of the Act.”

4. Ld. Advocate S. Kamat further stated that the present proceeding was referred to the Adjudicating Officer by the Authority vide order dated 13.08.2024, for the limited purpose of determining compensation and interest thereon and under such circumstances. That, Adjudicating Officer has to proceed to determine compensation based on the findings of the Authority.



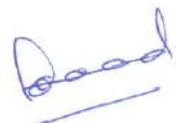
Further that the respondent has filed an Appeal challenging the judgment dated 13.08.2024 passed by Goa Real Estate Regulatory Authority in case no. 3/RERA/Complaint(382)/2023, before the Maharashtra Real Estate Appellate Tribunal, Mumbai. The respondent states that the Appellate Tribunal vide its order dated 23.06.2025 have stayed the operation of the Impugned Order dated 13.08.2024 till the disposal of Appeal.

5. Ld. Advocate S. Kamat further stated that the Appellate Tribunal has stayed the operation of the Impugned Order dated 13.08.2024 till the disposal of the Appeal, hence the Adjudicating Officer cannot proceed with the hearing of the present proceedings and that the present proceeding needs to be stayed till the disposal of the said Appeal.

6. Ld. Adv. Asmita Tirodkar argued on behalf of the Applicant that the application under reply is not maintainable and hence ought to be dismissed and that there is a complete delineation of jurisdiction vested with the Regulatory Authority and the Adjudicating Officer, the procedure for inquiry before both the Forums is distinct, disparate, different and distinguishable and there is no room for any inconsistency and therefore in the absence of a specific stay being granted by the Hon'ble Appellate Authority, the present proceedings cannot be stayed.

7. I have perused the entire records as well as considered the arguments advanced before me.

8. The present case was referred to the adjudicating officer in terms of Section 71 of the Act, vide Order dated 13/08/2024 for deciding the appropriate compensation. Form B came to be filled by the Applicant claiming for monthly compensation of Rs 30,000/-per month along with interest from the date of entering into the agreement i.e. 10.12.2012 for the delay caused till possession is delivered.



9. Reply was filed stating that the Agreements for Sale are contrary and in violation of the Code of Communitade, are a nullity in the eyes of law and no person can claim any right on the basis of such agreement. Further that the application is not maintainable and required to be dismissed with costs.

10. I have also through the judgment of *M/s Newtech Promoters and Developers v/s The State of Uttar Pradesh , dated 11 November 2021* which speaks in para 81 about the scope of the Adjudicating Officer which is only for adjudicating compensations, and in para 82 which speaks about complete delineation of the jurisdiction vested with the regulatory authority and the adjudicating officer. This being so hence, I am of the view that since the Order dated 13/08/2024 of this Authority is stayed by Maharashtra Real Estate Appellate Tribunal, Mumbai, pending the hearing and final disposal of the appeal, that in the fitness of things, the case before me can be stayed by the orders of Maharashtra Real Estate Appellate Tribunal, Mumbai. Hence application stands dismissed.



(Sayonara Telles-Laad)
Adjudicating Officer, Goa RERA