



**GOA REAL ESTATE REGULATORY AUTHORITY**

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

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

F.No:3/RERA/Complaint (463)/2025/743

Date: 11/06/2025

**Mr. Nilesh Gustavo Silroy Rebelo**

Periera Residency, B1/G3, Ground Floor,

Gogol, Margao, Salcete, Goa-403602 ..... **Complainant**

V/s

**1. Mr. Amar Raghunath Phaldesai**

S/o Late Raghunath M Phaldesai

**2. Mrs Sandhya Amar Phaldesai**

W/o Mr.Amar Raghunath Phaldesai

Resident of H No. S-2,  
Sukh Vastu Aparments,  
Comba, Margao, Salcete, Goa

Also residing at  
City Pavillion Building, First Floor,  
Margao, Benulim Road,  
Pedda, Margao, Salcete, Goa-403707

**3. Mrs Andrea Godinho**

W/o Mr. Cajetan Rayond Sanches

**4. Mr. Cajetan Rayond Sanches**

Resident of L&L Shire,  
BF-01,4<sup>th</sup> Floor,  
Ratwaddo, Navelim, Salcete, Goa

Also at  
C/o Gracy Godinho  
Vaddo, Sukhbhat Arrosum, P.O Cansaulim  
Salcete, Goa- 403712

5. **M/s Meera Classic,**  
A Proprietorship Firm  
Represented through its Proprietor  
Mr. Pramod Vishnu Sinai Barad,

Having Office at  
H No. 14, Mirabai Niwas,  
Borda, Margao, Salcete, Goa

..... **Respondents**

Ld. Advocate Matthew D'Costa for the Complainant.

**ORDER**

**(Delivered on this 13<sup>th</sup> day of the month of June, 2025)**

This is a complaint filed under Section 31 of the Real Estate  
(Regulation and Development) Act, 2016.

1. Briefly stated, the case of the complainant is as follows:-

That the Complainant is one of the legal heirs of the immovable property bearing Survey No. 7/2 situated at Village, Gandaulim, Taluka Salcete, admeasuring 2275 sq mts. The Complainant has filed the present complaint and alleged that the Respondents have executed a residential bungalow project spread on 2275 sq mts situated at Survey No. 7/2, Village –Gandaulim, Taluka Salcete, South Goa without RERA Registration of the said development project. Further the respondents have not RERA registered the development project and are constructing, promoting and selling the bungalows in project “Meera’s Heaven”. The complainant has also alleged that, the respondents don’t have a clear title as the title of the said property is based on fraud and the title as well as various permissions have been obtained by purposely misleading

the Hon'ble Court as well as various Authorities. That there is a Regular Civil Suit No.70 of 2024 CNR No. GASGO20012062024 against the respondents herein which is sub-judice before Hon'ble Court of the 1<sup>st</sup> Additional Civil Judge Senior Division and JMFC, South Goa, at Margao and Writ Petition bearing No. 173 of 2024 before Hon'ble High Court at Goa.

2. The Authority issued a Notice dated 08/03/2025 to the complainant for appearance on 10/04/2025. On 10/04/2025 the Complainant remained present along with Adv. Matthew D'Costa and filed the relevant supporting documents with the Authority. The Authority raised questions with regards to maintainability of the complaint. The Complainant was asked to file supplementary evidence to establish the number of units present in the project and whether the project comes within the purview of RERA Act.
3. On 30/04/2025 the Complainant filed an Application and submitted that the real estate project "Meera's Heaven", constructed on a plot exceeding 500 sq mts, is mandatory required to be registered under Section 3(1) of the Real Estate (Regulation and Development) Act, 2016, irrespective of the number of units. That the preamble of RERA explicitly states its purpose to ensure transparency in real estate transactions and protect consumer interests. That RERA applies to projects involving commercial exploitation of Land for sale, irrespective of scale, unless explicitly exempted. The Complainant submitted that interpreting Section 3 (2)(a) to exempt projects exceeding 500 sq mts with fewer than eight units undermines this intent, as it excludes consumers in such projects

from RERA's protective framework , including disclosures, timelines, and grievance redressal.

4. The Complainant further submitted that, the FAQ's issued by Goa RERA (Q.12 and Q.13) unequivocally state that projects exceeding 500 sq mts require registration, regardless of the number of units. Specifically:

Q12. "Although the apartments do not exceed eight numbers, but since the area exceeds more than 500 sq. mts., such Real Estate project needs to be registered under Goa RERA as per section 3 of the Act."

Q13. " Yes, Registration is required in such cases where plot area is more than 500 sq. mts"

5. On 16/05/2025 the Complainant's advocate argued the matter and sought time for filing written submissions. On 23/05/2025 the Complainants advocate submitted Memorandum of written note of arguments as follows:-

- i) The Complainant submitted that Respondent's have without RERA registration , advertise and sold the bungalow units to various purchasers in the project named " Meera's Heaven" situated at Village-Gandaulim, Salcete Goa, admeasuring 2275 sq mts.
- ii) That the respondent has failed to register the project as required under Section 3 of the Act. It is mandatory to obtain RERA registration , the respondents purposely did not get the project registered as they are very well aware that



respondents don't have a clear title as the title of said property is based on fraud and is obtained by purposely misguiding the Hon'ble Court in Regular Civil Suit No. 85/2008/C as well as various Authorities.

- iii) That the Respondents have till date taken various permissions including from Hon'ble High Court by misguiding , playing fraud on various courts, the complainant and other competent Authority.
- iv) That the Respondents are doing fraud and Respondents are moving solemnly as their fraud is not caught, so to avoid the risk of being found out. The respondents conspired among themselves & with other Authorities.
- v) That the Respondents have obtained various permissions/licenses from various authorities for the project " Meera's Heaven" without RERA Registration and are misleading potential buyers. The respondents has advertised and promoted the project through various platforms without RERA registration , misleading potential buyers and have sold the bungalows in the said project without RERA registration to defraud innocent purchasers.
- vi) That the ongoing construction without valid registration poses a risk to purchasers and

undermines the objectives of transparency and accountability under RERA Act.

- vii) That Complainant has filed Regular Civil Suit No. 70 of 2024 CNR No. GASG020012062024 against Defendant No. 7 and 8 and Respondents herein which is subjudice before the Hon'ble Court of 1<sup>st</sup> Additional Civil Judge Senior Division and JMFC, South Goa, at Margao and Writ Petition bearing No. 173 of 2024 before the Hon'ble High Court at Goa.
- viii) The legal submissions made by the Complainant were that, under RERA, registration of a real estate project is mandatory if a promoter intends to "advertise, market, book, sell, or offer for sale, or invite persons to purchase" any plot, apartment or building in such real estate project. That as per Section 3(2) in Real Estate (Regulation And Development) Act, 2016. Notwithstanding anything contained in subsection (1), no registration of the real estate projects shall be required –(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases: Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the



case may be, inclusive of all phases, for exemption from registration under this Act;...

ix) Further submitted that the present complaint is about "MEERA's HEAVEN", which is constructed on area above 500 sq mts.

x) That in the FAQ Section of Goa RERA, which is reproduced verbatim, as under:-

Q12. If the area of the land is more than 500 sq mts. And on the said land only a single dwelling unit/less than eight dwelling units is to be constructed , is RERA applicable?

Ans: Although the apartments do not exceed eight numbers, but since the area exceeds more than 500 sq. mts., such Real Estate project needs to be registered under Goa RERA as per section 3 of the Act.

Q13. In the area where FAR is low units cannot exceed beyond 8 flats/apartments even though the plot area is more than 500 sq mts. Does it still need to be registered?

Ans: Yes, Registration is required in such cases where plot area is more than 500 sq. mts.

xi) That the GOA RERA has issued\* Explanatory Note:- (The explanatory note pertains to FAQ 9, 10,11,12,13,14,15) In the light of the judgement dated 10.07.2019 in Appeal before the Maharashtra

Real Estate Appellate Tribunal, Mumbai in Complaint No. SC10000672 and Complaint No. SC10000691, M/S Geetanjali Aman Constructions and Another Versus Hrishikesh Ramesh Paranjape and 03 Others, the Hon'ble Tribunal has interpreted that "once the project meets one of the conditions that precedes or succeeds the word "or" in the said clause, the project is not registrable". Meaning thereby, the project is registrable if it is constructed in an area of more than five hundred square meters comprising more than eight units inclusive of all phases".

xii) That majority held an erroneous view, as the legislative intent of RERA authority is to safeguard the rights of purchasers so in Geetanjali Aman Constructions and Another Versus Hrishikesh Ramesh Paranjape, appeal in Complaint No. SC10000672 and Complaint No. SC10000691 dated July10,2019, before Maharashtra Real Estate Appellate Tribunal.

xiii) That the judgement given by Maharashtra Real Estate Appellate Tribunal, Mumbai, cannot have a binding effect as only the judgements of the Hon'ble Supreme Court of India and Hon'ble High Courts have binding effect on the Judicial and quasi judicial bodies.





- xiv) The Real Estate (Regulation and Development) Act, 2016 (“ RERA Act”) establishes separate Real Estate Regulatory Authorities for each state and union territory.
- xv) That Act mandates that each appropriate government establish its own RERA. Thus, MahaRERA and its Appellate Authority and Goa RERA are independent quasi-judicial body constituted by respective State under the Central Act. Thus the order passed by MahaRERA and its Appellate Authority have jurisdictional application only with state of Maharashtra, and hold no binding effect outside its territory, particularly on Goa RERA.
- xvi) That the RERA Act does not confer precedential authority on the orders passed by one RERA to bind another. It is further submitted that unlike- the judgements of the Hon’ble Supreme Court of India under Article 141 of the Constitution, which are binding on all courts, orders of RERA authorities are not considered “ Law Declared” under Article 141 of Constitution of India. Therefore above cannot be cited as binding precedent before Goa RERA.



- xvii) That both Maha RERA and Goa RERA function as quasi-judicial bodies, they do not fall within the hierarchy of courts where the doctrine of stare decisis (binding precedent) applies across jurisdictions. Therefore each RERA has the discretion to interpret and apply the Act based on facts and circumstances before it. It is impermissible to elevate the ruling of one state's authority as controlling over another.
- xviii) That even in judicial forums such as High Courts, decision of two coordinate benches from other states are only persuasive and not binding. Goa RERA is not bound to follow MahaRERA/ or its Appellate authority, just as District Consumer Forum in Goa is not bound by order of a District Forum in Maharashtra.
- xix) That as per Article 141 of the Constitution of India law laid down by the Supreme Court is binding on all courts in India, including High Courts, lower courts, and quasi judicial bodies.
- xx) That bodies like tribunals or assessing officers must adhere to the principles of judicial discipline and follow precedents set by higher courts.



xxi) That the purpose for which RERA was enacted was inter alia “ to ensure sale of plot, apartment or building, as the case may be , or sale of real estate project, in an efficient and transparent manner and to protect the interests of consumers in the real estate sector”.

xxii) That if the intent is to protect consumer in real estate sector that means wherever commercial exploitation of the land is being done by the Developers or Sale consideration, every such consumer should be protected, it does not matter if the units available for sale are less than 8 units on an area more than 500 sq mts. Therefore if the area of the plot exceed 500 sq mts will, the projects would mandatory require RERA Registration.

6. Arguments on maintainability were heard.

7. The points for determination along with the reasons and findings thereon are as follows:-

<b>Sr. No.</b>	<b>Points for determination</b>	<b>Findings</b>
1.	Whether the respondents are liable to get the project “ Meera’s Heaven” registered under Section 3 of the RERA Act	In the negative.
2.	What order? What reliefs?	As per final order.

## REASONS

### Point no. 1 and 2

8. The complainants have sought following reliefs:

Main reliefs:-

- A) "Impose appropriate penalties on the Respondent for violating Section 3 of the RERA Act".
- B) "Order the Respondents to refund any amount collected from buyers, with applicable interest, until RERA compliance is ensured".

Interim Reliefs:-

- (a) "Direct the Respondents to immediately halt all developments, marketing and sales activities until proper registration under RERA is obtained".

9. The Complainant in the initial hearing appeared that he intends to use the RERA forum to continue the property dispute, in which he has not yet had success in the Civil Courts / High Court i.e. to get the transaction in the land put on hold. Nevertheless, in as much as Section 31 of Real Estate (Regulation and Development) Act, 2016 enables any "person" to file such a complaint, regardless of the purpose, the complaint has been held maintainable.

10. To prove his case that the said project required registration under RERA, initially the complainant claimed that the project met both criterion of Section 3(2)(a) of Real Estate (Regulation and Development) Act, 2016, that is, more than 500 sq. mtrs. and more than 8 units. However as mentioned in Complaint dated 10/04/2025 the project size/ area is 2275 sq mts and





number of units are 7, also the document submitted (plan attached to Deed of Sale dated 19/01/2024) does not indicate the project size/ area and further indicate the number of units only being 4.

11.Faced with this factual inconsistency, the complainant pivoted his arguments to say that as per plain reading of Section 3 (2) (a) of the Real Estate (Regulation and Development) Act, 2016, the term used ie. “ or”, squarely places the case as registrable. He cited FAQ of Goa RERA Website to bolster his case.

12.In the hearing held on 10/04/2025 and 16/05/2025 the complaint was confronted with:-

(a)The ruling in the matter of **Ms Geetanjali Aman Constructions and ors vs Hrishikesh Ramesh Paranjpe and ors** in (Appeal SC10000672/691) of 10.07.2019 in which Section 3(2)(a) was interpreted to mean that both the conditions must be met to make a project registrable.

(b)Further it was pointed out that, posterior to the above ruling, Goa RERA has revised the said FAQ as follows:-

*\* Explanatory Note:- (The explanatory note pertains to FAQ 9, 10, 11, 12, 13, 14, 15) In the light of the judgement dated 10.07.2019 in Appeal before the Maharashtra Real Estate Appellate Tribunal, Mumbai in Complaint No. SC10000672 and Complaint No. SC10000691, M/S Geetanjali Aman Constructions and Another Versus Hrishikesh Ramesh Paranjape and 03 Others, the Hon'ble Tribunal has interpreted that “once the project meets one of the conditions that precedes or succeeds the word “or”*



*in the said clause, the project is not registrable". Meaning thereby the project is registrable if it is constructed in an area of more than five hundred square meters comprising more than eight units inclusive of all phases.*

13. To the above, the complainant has countered:-

- (a) That, Section 3 Real Estate (Regulation and Development) Act, 2016, being the statutory statement of law, it cannot be read down or altered by any ruling or any other judgment, other than that of the Supreme Court.
- (b) That Goa RERA is not bound by the jurisdiction of the Maharashtra Real Estate Appellate Authority or, even the High Court.
- (c) That no High Court ruling to the effect covers the field, in any case.
- (d) That Goa RERA is duty bound to take into account, which in his conceptualization, appears to be weakness in land title which was not disclosed and thus makes the registration itself as void and, also, puts public at risk, in case of outcome of civil litigation going in his favour.

14. All the above contentions of the complainant do not muster merit. The hierarchy of the RERA architecture, pan-India, reflects that order of RERA are appealable in the Appellate Tribunals constituted by the statute. The said Appellate Tribunals are statutorily chaired by a retired Judge of the High Court. The hierarchy is manifest and interpretation of



the Appellate Tribunal are binding on RERA unless challenged in Appeal. This is not so the case here. Without doubt “orders passed by the RERA Appellate Tribunal are binding on RERA. Section 57 of the RERA Act stipulates that these orders are executable as a decree of a Civil Court. This means the Tribunal has the power to enforce its decisions, and the authority can’t disregard them. Additionally, the tribunal can even transmit its order to a local Civil Court for execution, which will treat them as its own decree.”

15. Further, in direct ruling by Hon’ble High Court of Madras in the matter of **Devinarayan Housing and Property Developments Pvt. Ltd. and Ors v/s .Manu Karan and Ors.(C.M.S.A.Nos.23and24 of 2020) [(2023)ibclaw.in 1096HC)]** at Para 10.9 the Hon’ble High Court ruled as follows:

*10.9. Thus, on perusal of Report of the Standing Committee, it is clear that the word ‘or’ used in Section 3(2) (a) of the RERA has to be read disjunctively. Further, this Court would like to point out herein, though the word ‘OR’ is a conjunction, and if it is read conjunctively, it would make legitimate intention to become redundant, which is not possible in law. Hence, in the present case, the appellants constructed Apartment consisting of eight flats, in an area, measuring 5935 square metres and out of the two criteria mentioned in Section 3(2)(a) of the RERA for grant of exemption, the appellants have fulfilled one of the criterias and therefore, they are not liable to get their*



*project register under the said Act. Hence, this Court holds that the Real Estate project of the appellants is not required to be registered under the RERA as the same does not fall within the purview of the Act. Accordingly, the Additional Substantial Question of Law d) is answered in favour of the appellants and as against the respondents.*

16. With respect to the complainant's contention that a defective title can cause prejudice to the prospective buyers and, so RERA must enhance its protective cover, it is noted that, the complainant is already pursuing the matter of title in the relevant forums and, further, it does not hold good, due to the fact that the complaint, per se, does not come within the purview of RERA.

17. Having said so, I pass the following:

**ORDER**

The complaint is dismissed as legally not maintainable before Authority for the aforesaid relief prayed by the complainant.



**Dharmendra Sharma, IAS (Retd)**  
**Chairperson, Goa RERA**

13/6/25