



**GOA REAL ESTATE REGULATORY AUTHORITY**  
101, 1<sup>st</sup> Floor, 'SPACES' Building, Plot No. 40, EDC Patta Plaza, Panaji 403 001Goa  
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F.No:4/RERA/Adj. Matters (124)/2024/681

Date: 29/04/2026

**BEFORE THE ADJUDICATING OFFICER**

**1. Ashok R. Mundkur**

**2. Disha A. Mundkur**

201, Sea Castle,

7 Bunglaows Road,

Versova, Mumbai-400061

.....Applicants/ Complainants

*Versus*

**1. Palaccio Property Developers Pvt. Ltd.**

Gera Imperium 1,612

6<sup>th</sup> Floor, Next to Kamat Tower

Behind Panjim Bus Stand

Patta Plaza, Panaji, Goa 403001

**2. Laljee Patel**

**L. Patel Builders & Contractors**

**A Sole Proprietorship**

C-1, Sapna Regency 3<sup>rd</sup> floor

Above Baron Men's

Panaji, Goa 403001

.....Respondents

Ld. Advocate Shri Gaurang Kerkar representing the applicant.

Ld. Advocate Shri Sarvesh Kamat Malyekar representing Respondent No 1.

Ld. Advocate Shri K Morajkar representing Respondent No 2.

**ORDER**

**(Delivered on this 29th day of the month of April, 2026)**

This order shall dispose off the application filed by the Ld. Advocate on behalf of the Respondent for seeking leave to cross examine the Applicant stating that it is incorrect to call upon the Respondents to file their affidavit in evidence before the cross examination of the Applicant.

2. The Applicant filed their reply to the aforesaid application stating that the proceedings before this authority are summary proceedings and does not envisage a full fledged trial and that it has to be decided on the basis of pleadings and evidence submitted by the parties. Further that the Respondent is trying to delay the proceedings and filing the present application will defeat the very purpose of summary proceedings and the application is required to be dismissed.

3. I have gone through the records as well as considered the oral as well as written arguments before me. On behalf of the Respondent No 1 it was argued that:-

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- 1) The affidavit in evidence has been filed and that the enquiry is the evidence under Section 71 of the RERA ACT and that matter cannot be

decided only on affidavit, which can be false statements and requires to be tested.

2) That the principles of natural justice applies

3) Denial of cross examination would cause severe prejudice to the Resp. No 1.

4) That there is no bar under the RERA ACT which prohibits cross examination.

4. On behalf of the Respondent No 1, reliance was placed in the case of :-

1) ***“M/s Newtech Promoters and Developers Pvt. Ltd. Vs. State of UP and Ors. dated 11.11.2021”*** in civil appeal no.(s) 6745-6749 of 2021,

2) ***Mantri Developers Pvt Ltd. V/S Mr. Snil Veetil in Writ Petition No 17821 of 2025 (GM-CPC)C/W*** which has discussed about the summary nature of the suit and that Proceedings before this Authority are not governed by strict rules of evidence.(pg 18, 21)

5. On behalf of the Applicant it was argued that :-

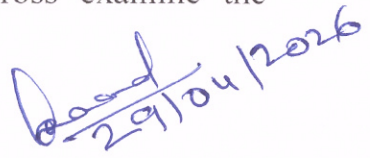
1) That this Authority has to follow summary proceedings and is not bound by the Civil Procedure Code.

- 2) That the principle of natural justice applies and that as per Section 53(2) of the RERA Act , this Authority has power to regulate its own procedures.
  - 3) That the Applicant is a Senior Citizen and that the present application is only to delay the proceedings.
6. On behalf of the Applicant , reliance was placed in the case of :-
- 1) *Ayaaubkhan Noorkhan Pathan V/S The State of Maharashtra in Civil Appeal No 7728 of 2012* wherein it was mentioned that opportunity to cross examine to meet the principles of natural justice is required.
  - 2) *Notification in the official gazette Series 1 No.34 dated 24th November 2017 at page 1792 in respect of carrying out the inquiry..*
7. There is no quarrel with the submission made by Ld. Adv. Shri S Kamat in respect of the procedure to be adopted by the Adjudicating Officer as mentioned in the *Notification in the official gazette Series 1 No.34 dated 24th November 2017 at page 1792 in Para 7 (d )* as well as Section 7 of *The Goa Real Estate (Regulation and Development) Rules 2017* in respect of carrying out the inquiry.
8. The Real Estate Regulatory Authority (RERA) under Section 35 of the Act , has the same power as a Civil Court under the Code of Civil Procedure 1908 in matters of discovery and production of books of account and examination of witnesses on oath. According to Section 2(g) of The Code of Civil Procedure, inquiry includes every inquiry except for a trial conducted under this Code, that is

done either by a Magistrate or by the Court. The inquiry relates to the proceedings that are carried out by the Magistrate before a trial is done.

9. Under the Real Estate Regulatory Authority Act, the Authority has power to examine witnesses to gather evidence. Cross examination under the Act is not mandatory but an exception and can be permitted only to ensure the accuracy of the statement of the witness . There is discretion to the Authority to follow a short and quick procedure for expeditious disposal of cases under the RERA ACT, more so as the applications before the Adjudicating Officer is required to be disposed off as per Section 71(2) of the Act as expeditiously as possible and to be disposed within 60 days from the date of receipt of the application. Proceedings before this Authority are not governed by strict rules of evidence.

10. In the present case nothing has been produced by the Applicant to show that he is a senior Citizen. The application is of the year 2024 and still pending. It needs to be disposed off on priority. The nature of the issues between the parties can be resolved through production of documents and affidavit in evidence without cross examination. Hence the application for seeking leave to cross examine the Application stands dismissed with no order as to costs.

  
**(Sayonara Telles-Laad)**  
**Adjudicating Officer,**  
**Goa RERA**