



GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:3/RERA/Complaint (318)/2022 | 221

Date: 21/02/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

Mrs. Sonia Bhaskar,

W/o Mr. Shivam Bhaskar,

R/o A78, New Friends Colony,

South East Delhi-110025.

.....Complainant

Versus

M/s Paradise Estate,

a Partnership firm duly

registered under the Indian Partnership Act, 1932.

17, Gulmohar Apartments,

East State, Pune-411001.

Represented by its Partners:-

1. Mr. Mohit Aurora

R/o Yogi Park, Flat No. 102,

C-2, Koregaon Park, Pune-411001.

2. Mr. Mohamad Ali Haji

R/o Ganga Satellite, Flat no. 201,

Wanowrie, Pune-411040.

3. Mr. Moiz Poonawala

R/o C/o Shiv Sharma, Clover Palisades,

Flat No. 1063, building A, NIBM,

Undri Road, Pune-411048.

.....Respondents

Ld. Advocate Atmaram Dessai for the Complainant.

Ld. Advocate Ms. R. Harmalkar for the respondents.

ORDER

(Delivered on this 21st day of the month of February, 2025)

This order shall dispose of application for compliance and action filed by the respondents.

2. Briefly stated, the case of the respondents is as follows:-

The basic allegation of the complainant is that the respondents have failed to execute a deed of sale in respect of villa purchased by the complainant in terms of the agreement dated 11.08.2021. There is no dispute that the possession of the said villa has been handed over to the complainant on 11.08.2021 and that there is no adverse claim as regards to the same. The respondents are bound to execute conveyance of land to the society and it is mandatory for the complainant to become a member of such a society or association. The respondents were always willing to and was ready to execute conveyance deed of the land in favour of the society and the said fact has been enumerated by the Authority in its order dated 03.08.2023. The complainant has been shying away from enrolling herself as the member of the society as she is duty bound to participate towards formation of society. The development was a joint development and the land owners are necessary parties to the said sale deed. However, the complainant has not made the owners of the land as parties to the present proceedings and due to non-joining of the owners to the present proceedings and non willingness of the complainant to be part of the society, the respondents can only execute the sale deed of the villa to the complainant simpliciter with double registration fees and therefore, the said land owner is a necessary party and the non-joinder and non availability is a hurdle with the execution of undivided share and therefore, complainant may be directed to join the owner of the land as party to the present proceedings.

3. The respondent filed a reply stating that the application is bad-in-law and non-maintainable as there is a delay in filing the application and hence, the application be dismissed .

4. It is a matter of record that vide order dated 03.08.2023, my predecessor passed the following order:

“The respondent is directed to comply Section 17 of the RERA Act, quoted above, within two months of the passing of this order and accordingly execute a registered conveyance deed in favour of the complainant for the aforesaid villa along with the undivided proportionate title in the common areas to the association of the allottees/society and handover all the relevant documents as per the mandate of said Section 17. The complainant is directed to participate towards the formation of an association or society of the allottees as per the mandate of Section 19(9) of the RERA Act. However, liberty is given to the respondents to approach this Authority after two months of the passing of this order for reasonable extension of time on genuine grounds to fully comply Section 17 of the RERA Act. The respondents to file compliance report in the form of an affidavit after two months of passing of this order, failing which penalty would be imposed on the respondents for non compliance of this order and execution proceedings will be initiated by this Authority.

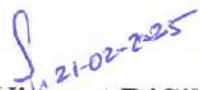
5. The respondents in the present application has claimed that the land owner, Mr. Shiv Dev Singh Malhotra has passed away leaving behind his wife. Mrs. Indrajeet Kaur and that they are not the residents of India and the process of declaration of heirship took some time. It is stated that she is the necessary party to the present proceedings. Nonetheless, the said fact has never been disclosed in the proceedings pending before the Authority nor the said persons were brought as parties to the proceedings. The order dated 03.08.2023 passed by the Authority is yet to be complied and it is only on 28.11.2024, the respondents have raised the

issue of non-joinder of parties, which cannot be granted, at this stage. The respondents have claimed that the sale deed of the villa could be executed simpliciter with double registration fees, which shows that sale deed can be executed by the parties to the proceedings. The application filed by the respondents therefore cannot be allowed.

6. In the circumstances, I pass the following:-

ORDER

- (i) The applications stands dismissed.
- (ii) The matter be referred to the Hon'ble Principal District Judge, North Goa for execution of the Order dated 03.08.2023 passed by Member, Goa RERA under Section 40(2) of The Real Estate (Regulation and Development) Act, 2016 read with Rule 4 of The Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of complaints and Appeals etc.) Rules, 2017.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 21.02.2025