



GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

101, 1ST Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 GOA

www.rera.goa.gov.in

F.No. 3/RERA/complaint (30)/2018/ 441

Date: 17/12/2018

ORDER

Whereas a complaint has been filed before the Interim Authority, Goa RERA by Kashinath Shetye, A-102, Raj Excellency Patto, Ribandar-Goa, Mukundraj Mudras, Building no. 6,C-9, Kenkre Estate, Cabesa St. Cruz Tiswadi Goa and Arturo D'souza , H. No. 351, Ruzaivaddo, Santa Cruz, Tiswadi Goa, of the Real Estate (Regulation and Development) Act, 2016;

Whereas a Show Cause Notice was issued to Chamunda River Park on 24/09/2018 and vide letter dated 19/07/2018 received by this office on 20/07/2018, the reply was submitted by the respondent.

Whereas the respondent was represented by Mr. Viraj Paraz, Technical Advisor , and Mr. D Govekar one of the Directors representing on behalf of M/S Scholar Builders on 24/10/2018;

Whereas it was felt by the Interim Authority to verify the facts through hearing of complainant and respondent.

Whereas vide hearing notice dated 16/10/2018 the parties were called for hearing.

Whereas the complainant Mr. Kashinath Shetye was also present in person for the hearings on 24/10/2018, and 25/10/2018.

The respondent admitted that there was delay in filing the application for the Registration and there weren't any reasons for not filing the application on time.

The respondent also admitted that out of 6 towers (Upper Ground + 3) which were under construction for which approval was obtained from TCP; Units in 3 towers (Upper Ground + 3) were put to sale.


Hence, by not registering the project and undertaking, Real Estate Marketing/Sale of the construction units, violation of Section 3 of the Real Estate Regulatory Act, 2016 has been committed by the developer.

Moreover as per Hon'ble High Court of Bombay at Goa in P.I.L no. 18 of 2017 and Order dated 25/09/2018 the penalty for not registering project on time has to be in proportionate to the cost of the project.

Hence, for undertaking Marketing/sale of the units without registering the projects, penalty of Rs. 2 Lakhs is imposed and since for

Late registration the builder has already paid penalty of Rs. 3 lakhs, Additional penalty of Rs. 76,924/- is imposed invoking section 59(1) of RERA Act.

Thus Scholar Builders Pvt. Ltd has to pay penalty of Rs. 2,76,924/- for the aforementioned violation.


(Sudhir Mahjan, IAS)
Interim Authority Goa RERA

To: Scholar Builders Pvt. Ltd.,
S-3, Fatima Chambers,
2nd Floor, Opp. Hotel Samrat,
Panaji Goa

Copy to : -1) Shri Kashinath Shetye,
A-102, Raj Excellency, Patto,
Ribandar, Goa

2) Mukundraj Mudras,
Building no. 6,C-9, Kenkre Estate,
Cabesa St. Cruz Tiswadi Goa

3) Arturo D'souza ,
H. No. 351, Ruzavaddo,
Santa Cruz, Tiswadi Goa