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GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:4/RERA/Adj. Matters (10)/2021/ 1336 Date 04 /09/2026

BEFORE THE ADJUDICATING OFFICER

Ms. Vanshika Rane

UG1/UG2, Varadhraj Greens,

Near HP Gas Godown,

Matve, Dabolim, Vasco,

South Goa, 403801. .....**Applicant**

Versus

1. Sandeep Shirodkar

C-1 Tilak Commercial Complex,

Vasco Da-Gama, Goa, 403802.

2. Siddhi Shirodkar

R/o Radha Krishna Niwas,

Near 1st PWD Water Tank,

New Vaddem, Vasco Da Gama, 4038002. .....**Respondents**

Ld. Advocate Shri M Cuncolienkar initially representing the applicant and Adv. Shri. Shivraj Gaonkar representing at the time of hearing and order.

Ld. Advocate Shri Prashant Vengurlekar representing the respondent.

ORDER

(Delivered on this the 4th day of the month of September, 2026)

The Applicants have filed the present application seeking closure of proceedings for want of jurisdiction and liberty to pursue appropriate remedy in law, which say was given by the Respondent as noted, subject to costs.

2. It is the case of the Applicants that they had filed an application dated 03.05.2024 (Exhibit 962/C) praying that this Authority be pleased to lodge a complaint in respect of the false statements made on oath by the Respondents in their Affidavits-in-Evidence dated 04.11.2022 and 23.03.2023 filed in the present proceedings and for needful action under section 200 Cr. P.C. against the respondent for offence of perjury with common intention in Ref: Case No. 4/RERA/ADJ.MATTERS (10)/2021. It appears that the said application was filed in view of the Order dated 12/2/24 of the

J.M.F.C Vasco on Exh C/1 as there was no complaint filed by the RERA Authority.

3. Further that, hence the application under Section 200 Cr.P.C was filed and which was heard, and by an order dated 19.11.2025 (Exhibit 1094/C) the matter was posted for a preliminary enquiry. In compliance therewith the Applicant filed her Affidavit-in-Evidence on 04.02.2026 (Exhibit 1104/C), and the matter is posted for inquiry/evidence.

4. That the Applicant has since taken further legal advice upon the question of the jurisdiction of this Forum to entertain the said application, and is advised that it lacks jurisdiction. The Applicant, being conscious of her duty to place the correct legal position before this Forum and not to prolong a proceeding which cannot result in an enforceable order, respectfully brings the following to the notice of this Forum.

5. That the power to direct a preliminary enquiry into an offence referred to in Section 195(1)(b) of the Code of Criminal Procedure, 1973, and to make a complaint in respect thereof, is conferred by Section 340 of the said Code upon a "Court", and upon no other

authority. Section 195(1)(b)(i) permits a Magistrate to take cognizance of such an offence only upon "the complaint in writing of that Court".

6. Section 195(3) of the said Code, and Section 215(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, define the expression "Court" for this purpose as follows:

"...the term 'Court' means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purposes of this section.

7. "The Real Estate (Regulation and Development) Act, 2016 contains no such declaration in respect of the Authority or of the Adjudicating Officer. Section 35, which deals with the powers of the Authority, and Section 71, which deals with the Adjudicating Officer, are silent upon the point. By contrast, Section 53(5) of the very same Act expressly provides that the Appellate Tribunal "shall be deemed to be civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973".

Saad 11/20/C

8. That the position is concluded by the Hon'ble Supreme Court of India in the case of ***Anil Kumar J. Bavishi v. Mahendra Kumar Jalan, Criminal Appeal No. 5490 of 2024, decided on 19.12.2024,*** wherein it was held that where the forum before which the false evidence was given is not a Court as defined, recourse to Sections 195 and 340 of the said Code is not permissible, and that "the only way such an application can be entertained... is through a private complaint."

9. In the premises, the proceedings upon Exhibit 962/C, including the preliminary enquiry directed on 19.11.2025, cannot result in a complaint upon which any Magistrate could take cognizance, and their continuance would only occasion further delay to the Applicant.

10. The Applicant prays that this Forum may be pleased to dispose of Exhibit 962/C upon the question of jurisdiction alone. That, the Applicant is advised that her remedy lies in a private complaint before the competent Court of the Judicial Magistrate First Class, and that a reasoned order of this Forum recording that it has no jurisdiction in the matter is necessary to enable her to pursue that remedy. The Applicant therefore prays for liberty in that behalf. That, no prejudice whatsoever will be occasioned to the Respondents. The Respondents

have themselves contended lack of jurisdiction. The Applicant therefore most respectfully prays that this Forum may be pleased to:

(a) Close and dispose of the proceedings upon Exhibit 962/C, including the preliminary enquiry directed by the order dated 19.11.2025 at Exhibit 1094/C, for want of jurisdiction; and

(b) Grant liberty to the Applicant to pursue her remedies in respect of the said offences under the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023 before the competent Criminal Court, in accordance with law.

(c) Pass such other and further orders as this Forum may deem fit and proper in the facts and circumstances of the case and in the interests of justice.

11. The Respondent filed reply to the application U/S 200 Cr.Pc stating that the Application is not maintainable under the law. It is stated further that the Complainant had no authority nor had power of attorney to initiate the original complaint before this authority. Further that, all the flat owners have been given possession of their respective flats who are living in the complex from year 2018 onwards. Society has been formed.

1118/C

12. It is stated that Agreement of Sale dated 13/6/2016 was entered between Diwan Construction and Vishal Rane in respect of sale of Flat bearing No.UG-1/UG-2 admeasuring 120Sq. Mts. Therefore, the complainant has no authority to initiate any complaint before this authority and the complaint itself is void-ab-initio. Since, the complainant has no authority to file original complaint, the present complaint is not maintainable.

13. It is stated further that in view of what is stated in above paras this authority may kindly inquire in what status the original complaint was made to this authority and whether the complaint was filed under Power of Authority. It is therefore prayed that:

A. Complaint may be dismissed.

B. Inquiry may be held in what status the original complaint was made to this authority and whether the complaint was filed under Power of Authority.

14. Pursuant to the Order dated 19th November 2025, of the Adjudicating Officer, the matter was posted for preliminary inquiry in respect of the application under Section 200 of Cr.P.C, when the present application seeking closure of proceedings for want of jurisdiction and liberty to pursue appropriate remedy in law was filed.

Arguments were heard. I have gone through the entire records and also considered the judgments cited on behalf of the Applicant as under:-

1. ***Anil Kumar J. Bavishi v. Mahendra Kumar Jalan, Criminal Appeal No. 5490 of 2024, decided on 19.12.2024.***
2. ***Natesha Securities v/s Vinayak Waman Mokashi and another(2008(3)Mh.L.J.***

15. At the outset it needs to be mentioned that Goa RERA is not a traditional civil or a criminal court but a quasi-judicial regulatory authority. The powers as per quasi judicial would be under Section 35 and 38. As the Adjudicating Officer is vested the same powers as a Civil Court under the Civil Procedure Code , which includes the power to take evidence on oath and summon witnesses, hence it qualifies as a Court within the meaning of perjury laws.

16. The adjudicating Officer has jurisdiction to entertain perjury applications and conduct inquiries into false statements before them. However, they do not have the power to directly punish or jail a person for perjury but, have the power and jurisdiction to conduct a preliminary inquiry to check if false statements were made. Furthermore , if the Adjudicating Officer finds a prima facie case of

perjury after the inquiry , it will be recorded as finding and frame a formal written complaint and forward it to the competent Judicial Magistrate.

17. On behalf of the Applicant, reliance was placed in the cases of ***Anil Kumar J. Bavishi v. Mahendra Kumar Jalan, Criminal Appeal No. 5490 of 2024, decided on 19.12.2024. Natesha Securities v/s Vinayak Waman Mokashi and another(2008(3)Mh.L.J.***

18. However, with due respect to the above cited cases, the said citations relied do not come to the aid of the Applicant as though the facts appear to be similar. In the case of ***Anil Kumar J. Bavishi v. Mahendra Kumar Jalan, Criminal Appeal No. 5490 of 2024, decided on 19.12.2024***, it was held that the Municipal Building Tribunal was not a Civil Court. I have discussed that as the Adjudicating Officer is vested with the same powers as a Civil Court under the Civil Procedure Code, which includes the power to take evidence on oath and summon witnesses, hence it qualifies as a Court within the meaning of perjury laws.

19. Be that as it may, the Applicant is given the liberty to withdraw the perjury proceedings.

04/08/2026.

Sayonara Telles-Laad

Adjudicatng Officer, Goa RERA

Corrigendum

Matter was taken up sou motu with respect to drawing the Corrigendum, since it was observed that there was an error apparent on the face of the record in respect to the month of the order on Page 10 which reads as 04/08/2026 and the month to be corrected to 04/09/2026. Necessary corrigendum shall be drawn to this effect correcting the same.

Note: Corrigendum drawn as per Roznama dated 19.10.2026 at 53/R.

19/10/2026.

Sayonara Telles-Laad
Adjudicating Officer Goa RERA