



GOA REAL ESTATE REGULATORY AUTHORITY

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F.No:1/RERA/ Enfor. Auth. Comp (336)/99/2023 /1267

Date: 30/08/2024

**Allottees of Platinum Residency-I,
Represented by Dattaprasad Vishnu Naik,
H.No. 61 Deulwada,
Pissurlem, Sattari-403530.**

.....Complainant

Versus

**Platinum Real Estates,
Ground Floor Gama Building
Near Church Square,
Opp. Municipal Garden,
Panaji Goa-403001.
A proprietorship concern of
1. Shri Trimurti Kishorlal Karpe and
2. Smt. Viola Karpe,
Both residents of Ribandar, Ilhas, Goa.**

.....Respondent

Complainant appeared in person.

Respondent represented by Ld. Advocate S. Kamat.

ORDER

(Dated 30.08.2024)

This order shall dispose of an objections filed by the respondent dated 07.08.2024, to the notice issued to the respondent for the execution of order dated 26.07.2023 passed by this Authority.

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2. Learned Advocate S. Kamat argued on behalf of the respondent. The complainants absent.

3. The complainant filed complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the RERA Act'), wherein the complainant has prayed this Authority to divest the respondent of its control over the real estate project "Platinum Residency" and further issue appropriate orders for handing over the real estate project to the complainant under Section 8 of the RERA Act and facilitate further necessary action by the complainant to complete the project.

4. This Authority heard the complaint and passed the following order:-

"The instant complaint is dismissed, however since the project was ongoing on the date of the commencement of the RERA Act within the purview of Section 3 of the RERA Act and required registration, the respondent is directed to take steps to register the said project 'Platinum Residency' situated at survey no. 271/6, Carambolim, Tiswadi Taluka, Goa-403104 by paying the penalty of ₹25,000/- (Rupees Twenty Five Thousand only) and registration fee within two months from the date of this order failing which further penalty will be imposed on the respondent and action under Section 59(2) of the RERA Act will be taken by this Authority."

5. Since, the respondent did not comply above order as such this Authority issued a notice to the respondent for non compliance to which the respondent

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filed a reply dated 07.08.2024 raising certain objections and claiming that there is due compliance of the Order by it. This order shall dispose said objections.

6. The short point that arises for my determination is: Whether respondent failed to comply with the order at this stage?

Ans: Partly complied. Some more time is granted for compliance.

REASONS

7. Learned Advocate Mr. S. Kamat submitted that by ex parte order dated 26.07.2023, this Authority directed the respondent to take steps for registration of project under RERA and also imposed penalty of ₹25,000/-. The respondent was not aware of the above order initially however after learning about the order appeared in the matter and complied part of the order. The respondent has paid the penalty of ₹25,000/- and has taken steps for the registration of the project. The project could not be registered as the construction license has expired. The respondent have intention to comply with the order and will register the project after getting construction license renewed, for which some reasonable time be granted or proceedings be dropped upon respondents undertaking.

8. I have duly considered arguments and material on record.

9. The operative part of the order reproduced hereinabove has directed the respondent to take steps to register the project "Platinum Residency" by paying penalty of ₹25,000/- and registration fee within two months from the date of the

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order dated 26.07.2023. Two months stipulated in the Order expired on 25.09.2023. The record does not indicate compliance within this period.

10. I have perused the Order. The Order shows that the respondent was duly served in the complaint proceedings however did not appear in the matter and as such the matter proceeded ex parte against the respondent. In para 4 of the Order there is an averment wherein it is mentioned that the respondent has been marked ex parte. When the Order was passed the respondent was not present before Authority. Therefore, respondent not taking immediate steps within stipulated period of two months fixed in the order gets explained.

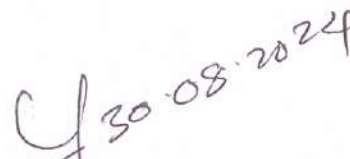
11. As regards direction in the Order to pay penalty the respondent has paid the penalty of ₹25,000/- on 30.01.2024 to this Authority. Being so, part of the order stands duly complied.

12. As regards the second part of the order requiring respondent to take the steps to register the project by paying registration fees the respondent has placed on record an application filed by it before the Sarpanch of Village Panchayat Carambolim with request to renew the construction license so as to enable the respondent to get the project registered. Thus the respondent has taken due steps as directed in the order to get the project register and comply the Order. The act of payment of penalty of ₹25,000/- to this Authority and further making application to renew construction license to enable it to get project registered shows intention of the respondent to comply Order.

13. The respondent wishes to have some more time to comply order by registering the project upon getting construction license renewed and also have given undertaking to that effect in its reply dated 07.08.2024. The order does not direct in so many words the registration of project specifically; however meaningful reading of the order, as rightly understood by respondent has implied direction to the respondent to get its project registered by taking appropriate steps and by paying registration fees. I am inclined to accept undertaking of the respondent as mentioned in the reply. Being so, my answer to the point for determination is as above and following:-

ORDER

A reasonable time of six months is granted to the respondent to comply the order. The respondent to report compliance of the Order to this Authority on or before expiry of six months from the date of this Order, failing of which further penalty and action as ordered in the order dated 26.07.2023 shall follow.


(Cholu M. Gauns)
Member, Goa RERA