



GOA REAL ESTATE REGULATORY AUTHORITY
DEPARTMENT OF URBAN DEVELOPMENT
GOVERNMENT OF GOA

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Date: 16/08/2022

Rajiv Pillai,

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3rd Floor, Shankarwadi,
Taleigao, Goa-403002.

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Applicant

ORDER
(Dated 16/08/2022)

This order disposes of the application dated 25.05.2022 filed by the applicant under The Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act') for renewal of the registration of the project "Engineer's Club" located at Survey No. 83/1-V, Colvale, Bardez, North-Goa.

2. The relevant contents of the aforesaid application for renewal of registration of the project are as follows:-

"The above mentioned Project was Registered under you, and certificate was issued to me on 29/may/2019 and ending with 07 /mar/2022 to me by the Authority.

I hereby request you to renew the same for the further period, **since the project is going on.**"(emphasis supplied)

3. Heard arguments from the applicant and his Advocate Shri P. Talaulikar and they prayed to grant extension of registration on the ground that construction of the project is going on. In this regard, it is material to reproduce hereunder **Section 6 of the said Act:-**

"6. Extension of registration.- The registration granted under Section 5 may be extended by the Authority on an application made by the promoter due to *force majeure*, in such form and on payment of such fee as may be prescribed.

Provided that the Authority may in **reasonable circumstances, without default on the part of the**

promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

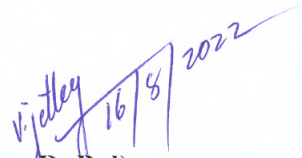
Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Explanation.- For the purpose of this section, the expression “*force majeure*” shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project” (emphasis supplied)

4. From the perusal of Section 6 of the Act, it is clear that the following essential ingredients have to be proved/ established by the applicant to entitle him to get extension/ renewal of the registration of the aforesaid project:-
 - a) Extension on the ground of force majeure. The explanation to Section 6 states that the expression “force majeure” shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project”
 - b) Reasonable circumstances for extension of registration without default on the part of the promoter.
5. The words “reasonable circumstances”, though not defined in the aforesaid sections, necessarily mean the circumstances, beyond the control of the promoter and the circumstances arising without default on the part of the promoter as the words “reasonable circumstances” have to be interpreted along with the words “force majeure” by applying the doctrine of **ejusdem generis**.
6. In the instant case, the applicant has neither mentioned nor established a single essential ingredient of Section 6 to consider grant of extension of registration by this Authority. There is neither a ground of “force majeure” nor a ground of “reasonable circumstances, without default on the part of the promoter” mentioned in the instant application and/or in the arguments. The

only ground mentioned for extension of registration is that “the project is going on”. Solely on the ground that “the project is going on”, registration of the project cannot be extended within the purview of Section 6 of the said Act.

Since the ground given in the instant application is beyond the scope and purview of Section 6 of the said Act, the prayer of the applicant for further renewal of registration is rejected.


(Vijaya D. Pol)
Member, Goa RERA