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GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:4/RERA/Adj. Matters (127)/2024/ *898*

Date: 10/06/2026

BEFORE THE ADJUDICATING OFFICER

Allotees of Associate Florencio

.....Applicant

Versus

Associate Township Builders

Pvt. Ltd, Represented by

Mr. Zakaria Faroukh Darvesh

.....Respondent

Ld. Advocate Shri Omkar Kulkarni , Adv Shri Mandar Nak representing the applicant.

Ld.Advocate Mr. Ashish Krishnanath Kuncoliencar representing the respondent.

ORDER

(Delivered on this 10th day of the month of June, 2026)

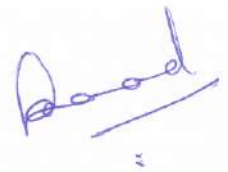
Vide this Order, I shall dispose off the application filed by the respondent at Exh. 408/c to defer proceedings in view of stay of operation of Order dated 30/04/2024 by Maharashtra Real Estate Appellate Tribunal on 09/12/2025.

2. The Applicant states that the Applicant herein is the Original Respondent, i.e. Associate Township Builders Pvt. Ltd. and is the Developer of a Residential Housing Project by the name of "Associate Florencio". That, Applicant applied to



the Goa Real Estate Regulatory Authority, Directorate of Urban Development seeking clarification from the Goa Real Estate Regulatory Authority on 26/12/2018 as to whether the Applicant's Project would be covered under the RERA Act framework in spite of having received Completion Certificate from the Town & Country Planning Department, Goa Government. Applicant states that it is pertinent to note that the Applicants Project, by the name of "Associate Florencio" was developed in two phases, i.e. "Block A" consisting of 32 Residential Apartments and "Block B" consisting of 24 Residential Apartments, i.e. a total of 56 Apartments and that "Block A" received Completion Certificate from the Town & Country Planning Department, Goa Government on 14/10/2015 and "Block B" received Completion Certificate on 27/12/2017, before the date of 23/03/2018 which was the timeline fixed for Projects which were on going and were not completed or had not received Completion Certificate from Town Planning Authority.

3. Applicant states that the Goa Real Estate Regulatory Authority, responded on 28/12/2017 after scrutinizing the Application dated 26/12/2017 filed by the Application stating that the Applicants Project, by the name of "Associate Florencio", is exempted from registration under the RERA Act, 2016. Accordingly, Applicant did not take any further steps to obtain registration under the Real Estate Regulation and Development Act, 2016 or the Said Rules framed there under.



4. Thereafter, the Allottees of Associate Florencio, an Unregistered and a Self-Proclaimed Association, of Apartment Owners of “Associate Florencio Project” moved a Complaint before the Goa Real Estate Regulatory Authority, seeking to damages and making various allegations. Further that , the Goa Real Estate Regulatory Authority, passed an Order on 30/04/2024 which contained following operative directions, which are reproduced as under:

“23. In the light of foregoing conclusion arrived under aforesaid paragraphs 14 to 22 above. The Authority hereby Order as follows:

- (i) *Respondent no. 1 is hereby directed to register the Project with the Goa Real Estate Regulatory Authority within two months from the date of this Order. Failing which, the Authority would initiate Proceedings under Section 59 (2) of the Real Estate (Regulation and Development) Act, 2016.*
- (ii) *The Complainant have undergone enormous delay, suffering and stress for incurring exorbitant expenditure for delayed registration of Society, Conveyance Deed, in addition to incomplete works executed by the Respondent violating terms and conditions of Agreement for Sale. Complainants may file/claim compensation before Adjudicating Officer under Section 19 (4) of the Said Act.”*

5. Applicant states that upon the passing of the above referred Order dated 30/04/2024 by the Goa Real Estate Regulatory Authority, the Applicant herein



preferred an Appeal before the Maharashtra Real Estate Appellate Tribunal along with a Stay Application seeking to stay the Order dated 30/04/2024, and was pleased to pass an Order on 09/12/2025 by which the Appellate Tribunal stayed the operation of the entire Order dated 09/12/2025 as follows:

1. Miscellaneous application no, 373/24 (stay) is allowed.
2. The operation, execution and implementation order dated 30.04.2024 passed by the Authority is stayed pending, and final disposal of the Appeal.
3. Parties to bear their own costs.
4. Copy of this Order be communicated to Parties and Goa RERA as per Section 44(4) of the RERA Act, 2016.
6. Applicant herein states that in view of the Order of Stay and Directions passed by the Maharashtra Real Estate Appellate Tribunal, Mumbai, Maharashtra, the present Adjudication Proceedings which are initiated by the Allottees of Associate Florencio have to be deferred until Final Adjudication by the Maharashtra Real Estate Appellate Tribunal, as the Original Applicants, i.e. Allottees of Associate Florencio have initiated Adjudication Proceedings based on Order dated 30/04/2024 passed by the Goa Real Estate Regulatory Authority in terms of Para (b) of its Operative Portion referred and quoted herein above.

7. Applicant further states that apart from the above in view of the Stay order of the Maharashtra Real Estate Appellate Tribunal, dated 09/12/2025, the Order dated 30/04/2024 passed by Goa RERA, cannot have any legal consequences as of now and also, keeping in view the Stay Order by Appellate Tribunal, the erstwhile Exemption Order dated 28/12/2018 passed by Goa Real Estate Regulatory Authority, is now revived and is fully operative, which had clearly stated that "Project Associate Florencio" is exempted from registration under Goa Real Estate Regulatory Authority.

8. Applicant states that, accordingly, by virtue of the Exemption Order dated 28/12/2018 passed by Goa RERA and in view of the Stay Order of the Maharashtra Real Estate Appellate Tribunal, on the Order dated 30/04/2024, this Hon'ble Court would not have any Jurisdiction to proceed further with Adjudication Proceedings as the Project Associate Florencio is exempted from Registration under RERA Act, 2016 because of the exemption granted by the Authority in terms of the law.

9. Applicant further states that in view of the fact that whether the Project itself is covered under RERA Act framework is under adjudication by the Appellate Forum this Hon'ble Forum lacks any jurisdiction in terms of RERA Act, 2016 to adjudicate the present dispute. Applicant states that it is settled law that Adjudication Proceedings can be initiated only in respect of Projects which are specifically registered and covered under RERA Act, 2016. It is therefore

submitted that this Hon'ble Forum lacks Jurisdiction to proceed further and pass any Adjudicatory Order on the Application moved by the Original Applicants, i.e. Allottees of Associate Florencio (Unregistered Association).

10. Applicant state that therefore, in view of the above factual backdrop and the legal position the Applicant herein humbly prays that this Hon'ble Forum be pleased to defer the Adjudication Proceedings in view of the Stay of the Order dated 30/04/2024 by which all Proceedings and consequences of that Order are Stayed by Appellate Tribunal or until further Orders and or dispose the present Adjudication Proceedings with liberty to move afresh after Final Adjudication by in terms of law.

11. The Applicants filed their reply denying the entire contents of the application being false and incorrect and that the Stay order dated 09/12/2025, obtained by the Respondent from the Appellate Tribunal, would not impact the present proceedings. That, the present Adjudication Proceedings has been filed by the Applicants seeking Compensation from the Respondents for undergoing enormous delay, suffering and stress for incurring exorbitant expenditure for delayed registration of society, conveyance deed, incomplete works of the building thereby violating the terms and conditions of the Agreement of Sale.

12. The Applicant states that the present Claim has been filed under section 19(4) of the RERA Act, which empowers the allottees to seek compensation from the Builder/Developer. The Applicants states that the Authority has already passed the Order dated: 30/04/2024, by allowing the Compliant of the Applicants and thereby granting relief to the Applicants.
13. That it is admitted position that the Respondents had preferred an Appeal before the Maha RERA challenging the said Order dated: 30/04/2024 and had also obtained the stay order dated 09/12/2025, on the operation, execution and implementation of the Order dated 30/04/2024. The Applicants states that the in the above order the Appellate Tribunal has stayed the operation, execution and implementation of the impugned order dated: 30/04/2024, had not stayed the present proceedings which is under section 19(4) of the Act.
14. Further that the Applicant states that there is no mention about the present proceedings bearing Case no. / RERA/Adj.Matters(127)/2024/1028, in fact the Respondents were well aware that the present Proceeding is pending before the Adjudicating Officer and they are also appearing before this Authority and therefore Respondent should have specifically obtained the stay on the present proceedings which the Respondent has failed to do so. The Applicants further states that it is a fact that the present proceeding is too distinct from the proceedings

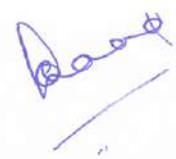


where the order dated: 30/04/2024, passed by the RERA Authority. Application is required to be dismissed.

15. Heard oral arguments from both the Learned advocates on behalf of their respective parties which are the same as in their respective applications and reply. Ld. Advocate Shri A. Kunklienkar argued that the Appellate Tribunal has stayed the operation of the Impugned Order till the disposal of the Appeal, hence the Adjudicating Officer cannot proceed with the hearing of the present proceedings and that the present proceeding needs to be stayed till the disposal of the said Appeal.

16. Ld. Adv. Shri Mandar Naik argued on behalf of the Applicant that the application under reply is not maintainable and hence ought to be dismissed and that there is a complete delineation of jurisdiction vested with the Regulatory Authority and the Adjudicating Officer, the procedure for inquiry before both the Forums is distinct, disparate, different and distinguishable and there is no room for any inconsistency and therefore in the absence of a specific stay being granted by the Hon'ble Appellate Authority, the present proceedings cannot be stayed.

17. Perused written arguments which are on record on behalf of the Respondents. The Applicants submitted that the reply may be considered as written synopsis. Ld. Adv. Shri A. Kunkolienkar placed on record the citation as in the



case of *Macrotech Developers Limited V/S State of Maharashtra and 2 others*,
Writ Petition (ST) No.1118 of 2021 to support his arguments.

18. Regulation 4 of the Procedure for Adjudicating Complaints and Determining Compensation by the Authority and Adjudicating Officer, Regulations, 2021, states as under:-

“4) The procedure for adjudicating complaints and determining compensation by the Authority and Adjudicating Officer shall be regulated as follows:

(i) In a complaint, if the relief sought is of refund of the amount along with interest or payment of interest for delayed delivery of possession, or imposing penalty and interest thereon, the Authority shall examine and decide the complaint.

(ii) In a complaint, if the relief sought is of compensation or interest by way of compensation, the Adjudicating Officer has power to determine compensation under Section 71 and 72 of the Act.

(iii) In a complaint, if the relief sought consists of both above (i) and (ii) instances, then the Authority shall adjudicate its part first and thereafter, refer it to the Adjudicating Officer for the limited purpose of determining compensation and interest thereon. Under such circumstances, Adjudicating

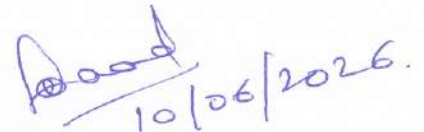


Officer may proceed to determine compensation based on the findings of the Authority, keeping in view the factors outlined in Section 72 of the Act.”

19. The present case was referred to the adjudicating officer in terms of Section 71 of the Act, vide Order dated 13/08/2024 for deciding the appropriate compensation. It is true that in the Order dated 30/04/2024, it is mentioned that Complainants may file/claim compensation before Adjudicating Officer under Section 19 (4) of the Said Act. The application for compensation has been filed in Form B. Further it is a fact that the respondent has filed an Appeal challenging Order dated 13.08.2024 passed by Goa Real Estate Regulatory Authority in Case no. 3/RERA/Complaint (382)/2023, before the Maharashtra Real Estate Appellate Tribunal, Mumbai and that the Appellate Tribunal vide its order dated 23.06.2025 have stayed the operation of the Impugned Order dated 13.08.2024 till the disposal of Appeal.

20. I have perused the citation as in the case of *Macrotech Developers Limited V/S State of Maharashtra and 2 others, Writ Petition (ST) No.1118 of 2021* which is not applicable to the facts and circumstances of the present case before me. In that case the powers of the adjudicating Officer were discussed. I totally agree that as discussed in the said judgment, that the powers of the Authority are wide and different from that of the adjudicating Officer. I have also gone through the judgment of *M/s Newtech Promoters and Developers v/s The State of Uttar*

Pradesh, dated 11 November 2021 which speaks in Para 81 about the scope of the Adjudicating Officer which is only for adjudicating compensations, and in Para 82 which speaks about complete delineation of the jurisdiction vested with the regulatory authority and the adjudicating officer. Therefore, as there is no stay on the proceedings of the adjudication of compensation proceedings before me, hence, i am of the view that application at Exh 408/c needs to be dismissed, and so the application stands dismissed.

Handwritten signature in blue ink, followed by a horizontal line and the date 10/06/2026.

(Sayonara Telles-Laad)
Adjudicating Officer, Goa RERA