



GOA REAL ESTATE REGULATORY AUTHORITY

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

www.rera.goa.gov.in

Tel: 0832-2437655; e-mail: goa-rera@gov.in

F.No:3/RERA/Complaint (459)/2024/1111

Date: 20/08/2025

(BEFORE THE MEMBER SHRI VINCENT D'SILVA)

1. **Mrs. Anifa Carvalho**
Age: 37 years
R/o Flat No. 007, Block A
2. **Comdt Harender Rai,**
Age: 58 years
R/o Flat No. 008, Block A
3. **Mrs. Namrata Redkar,**
Age: 43 years
R/o Flat No. 102, Block A
4. **Mr. Sandesh Naik,**
Age: 39 years
R/o Flat No. 106, Block A
5. **Mr. Shahid Parwez,**
Age: 45 years
R/o Flat No. 201, Block A
6. **Mr. Yogesh Ashok Pai Raiker,**
Age: 47 years
R/o Flat No. 206, Block A
7. **Mr. Sattar Shaikh,**
Age: 43 years
R/o Flat No. 210, Block A
8. **Mr. SK Rohilla,**
Age: 55 years
R/o Flat No. 302, Block A

- 9. Mr. Sandip Y Kambli,**
Age: 44 years
R/o Flat No. 304, Block A
- 10. Mrs. Saba Shaikh,**
Age: 30 years
R/o Flat No. 305, Block A
- 11. Mr. Satish B. Shet,**
Age: 36 years
R/o Flat No. 306, Block A
- 12. Mrs. Pooja Mishra,**
Age: 34 years
R/o Flat No. 307, Block A
- 13. Mr. Pitu Wadkar,**
Age: 51 years
R/o Flat No. 308, Block A
- 14. Mr. Bino Balachandran,**
Age: 55 years
R/o Flat No. 309, Block A
- 15. Mr. Rajkumar Singh,**
Age: 58 years
R/o Flat No. 401, Block A
- 16. Mr. Sujay Shetty,**
Age: 36 years
R/o Flat No. 402, Block A
- 17. Mr. BK Pratihast,**
Age: 39 years
R/o Flat No. 403, Block A
- 18. Mr. Nanda R. Naik,**
Age: 57 years
R/o Flat No. 405, Block A
- 19. Mr. Lucas Fernandes,**
Age: 36 years
R/o Flat No. 406, Block A

- 20.Mr. Tenzin Thuchen,**
Age:41 years
R/o Flat No. 408, Block A
- 21.Mr. Mulayam Singh,**
Age: 56 years
R/o Flat No. 501, Block A
- 22.Mr. Shitala Prasad,**
Age: 72 years
R/o Flat No. 506, Block A
- 23.Mr. Anirban Roy,**
Age: 40 years
R/o Flat No. 508, Block A
- 24.Mrs. Abha Singh,**
Age: 53 years
R/o Flat No. 509, Block A
- 25.Mr. Ramchandra Prasad Singh,**
Age: 55 years
R/o Flat No. 601, Block A
- 26.Mr. Indra Shakya,**
Age: 65 years
R/o Flat No. 602, Block A
- 27.Mr. Dhananjay Kumar Jha,**
Age: 40 years
R/o Flat No. 603, Block A
- 28.Mr. Sameer Haldankar,**
Age: 47 years
R/o Flat No. 610, Block A
- 29.Mr. Ramdas Patil,**
Age: 38 years
R/o Flat No. 106, Block C
- 30.Mr. Sujeeth S. Bhandary,**
Age: 35 years
R/o Flat No. 109, Block C

- 31.Mr. Munindra Deo,**
Age: 49 years
R/o Flat No. 201, Block C
- 32.Mr. Kaushalendra Pratap Rai,**
Age: 58 years
R/o Flat No. 209, Block C
- 33.Mr. Sukrit Swamy,**
Age: 40 years
R/o Flat No. 301, Block C
- 34.Mr. Bebinson Moraes,**
Age: 37 years
R/o Flat No. 302, Block C
- 35.Mr. Daniel I. Nelaturi,**
Age:48 years
R/o Flat No. 303, Block C
- 36.Mrs. Chandra Rawat,**
Age: 35 years
R/o Flat No. 304, Block C
- 37.Mrs. Tejaswini Pakhidde,**
Age: 45 years
R/o Flat No. 307, Block C
- 38.Mr. Abhai D. Kundaikar,**
Age: 47 years
R/o Flat No. 309, Block C
- 39.Mr. Hrishikesh Shinde,**
Age: 36 years
R/o Flat No. 401, Block C
- 40.Mr. Adriel N Rebelo,**
Age: 29 years
R/o Flat No. 404, Block C
- 41.Mr. Navin A. Bhat,**
Age: 49 years
R/o Flat No. 405, Block C

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- 42.Mr. Khurshid Alam,**
Age: 44 years
R/o Flat No. 505, Block C
- 43.Mr. Anjaneya A. Sardesai,**
Age: 40 years
R/o Flat No. 603, Block C
- 44.Ms. Nupoor N Bandodkar,**
Age: 31 years
R/o Flat No. 604, Block C
- 45.Mrs. Swati V. Sakhardande,**
Age: 43 years
R/o Flat No. 605, Block C
- 46.Mr. Seraz Ahamad,**
Age: 43 years
R/o Flat No. 606, Block C
- 47.Mr. Naresh Pasupuleti,**
Age: 38 years
R/o Flat No. 607, Block C
- 48.Mr. Seraz Ahamad,**
Age: 43 years
R/o Flat No. 707, Block C
- 49.Mrs. Vanita Fernandes,**
Age: 48 years
R/o Flat No. 101, Block D
- 50.Mr. Satish K Keloskar,**
Age: 46 years
R/o Flat No. 102, Block D
- 51.Mrs. Chandra Rawat,**
Age: 35 years
R/o Flat No. 103, Block D
- 52.Mr. Jayakrishnan R Pillai,**
Age: 36 years
R/o Flat No. 105, Block D

- 53.Mr. Sunil G. Lonkadi,**
Age: 57 years
R/o Flat No. 201, Block D
- 54.Mr. BP Biswas,**
Age: 53 years
R/o Flat No. 202, Block D
- 55.Mr. Akhilesh Kumar Sharma,**
Age: 54 years
R/o Flat No. 203, Block D
- 56.Mr. Vikash Kumar,**
Age: 40 years
R/o Flat No. 204, Block D
- 57.Mrs. Shubhangi VN Dessai,**
Age: 58 years
R/o Flat No. 206, Block D
- 58.Mr. Rajendra Kumar Tripathy,**
Age: 58 years
R/o Flat No. 301, Block D
- 59.Mr. Pradeep Kumar Patnaik,**
Age: 54 years
R/o Flat No. 304, Block D
- 60.Mr. Sidhartha Sankar Mishra,**
Age: 42 years
R/o Flat No. 401, Block D
- 61.Mr. Uday Dasgupta,**
Age: 76 years
R/o Flat No. 402, Block D
- 62.Mr. Sanjay Kumar Yadav,**
Age: 57 years
R/o Flat No. 403, Block D
- 63.Mr. Alic Fernandes,**
Age: 37 years
R/o Flat No. 408, Block D

64.Mr. Damodar D Redkar,
Age: 49 years
R/o Flat No. 502, Block D

65.Mrs. Reema Shetgaonkar,
Age: 36 years
R/o Flat No. 503, Block D

66.Mr. Amol Suryavanshi,
Age: 30 years
R/o Flat No. 602, Block D

67.Mr. Abhishek Thakur,
Age: 34 years
R/o Flat No. 604, Block D

68.Mrs. Mamta A Karekar,
Age: 51 years
R/o Flat No. 605, Block D

69.Cdr. Atul Pant,
Age: 56 years
R/o Flat No. 701, Block D

70.Mr. Satyendra Kumar,
Age: 43 years
R/o Flat No. 802, Block D

71.Mr. Milind Bhoyar,
Age: 44 years
R/o Flat No. 804, Block D

72.Mr. Anirban Roy,
Age: 40 years
R/o Flat No. 805, Block D

73.Mrs. Reena M. Patil,
Age: 32 years
R/o Flat No. 101, Block E

74.Mr. Subhod Kumar,
Age:65 years
R/o Flat No. 201, Block E

75.Mr. Vijendra Prasad Singh,

Age: 59 years

R/o Flat No. 208, Block E

76.Mr. V.K Singh,

Age: 59 years

R/o Flat No. 301, Block E

77.Mr. Abhishek Kumar Singh,

Age: 32 years

R/o Flat No. 304, Block E

78.Mrs. Poonam Sawant,

Age: 39 years

R/o Flat No. 306, Block E

79.Mrs. Poonam Sawant,

Age: 39 years

R/o Flat No. 307, Block E

80.Mr. Sameer Raju Narayan,

Age: 29 years

R/o Flat No. 405, Block E

81.Mr. KA Narasimhan,

Age: 65 years

R/o Flat No. 408, Block E

82.Mr. Shubham Pandey,

Age: 27 years

R/o Flat No. 501, Block E

83.Mr. Bhalchandra Parmekar,

Age: 58 years

R/o Flat No. 502, Block E

84.Mr. John Walter Pires,

Age: 52 years

R/o Flat No. 504, Block E

85.Mrs. Janhavi J Parab,

Age: 40 years

R/o Flat No. 506, Block E

86.Mr. Manoj Kumar SP,
Age:45 years
R/o Flat No. 603, Block E

87.Mr. Shivraj Bhoite,
Age: 42 years
R/o Flat No. 701, Block E

88.Mr. Shivkumar Pal,
Age: 38 years
R/o Flat No. 703, Block E

89.Mr. Narsing Jindam,
Age: 53 years
R/o Flat No. 704, Block E

90.Mrs. Rupavali L. Tirodkar,
Age: 41 years
R/o Flat No. 707, Block E

91.Mr. Ashok Kumar,
Age: 55 years
R/o Flat No. 708, Block E. **Complainants**

All resident of Prabhu's Violetta Complex,
Behind Vishal Mega Mart,
Chicalim, Goa-403711.

V/s

M/s Prabhu Realtors

Through its Partner-cum- authorized representative
Amit C. Prabhu,
Age: 44 years
Office No. 98, Block -A,
Prabhu's Emerald, above
Pantaloons, Alto- Dabolim,
Goa-403801

..... **Respondent**

Ld. Advocate Ms. Fawia Menezes Mesquita for the complainants.

Ld. Advocate Shri Arthur Fernandes for the respondent.

ORDER

(Delivered on this 20th day of the month of August, 2025)

This order shall dispose of application for amendment/addition prayer and production of additional documents at exhibit 2166/c filed by the complainants.

2. Briefly stated, the case of the complainants is as follows:-

That the complainants have raised pleas in Para 38 of the complaint, Paras 10, 13 and 14 of the rejoinder as well as prayer (h) read with (k) seeking direction against the promoter to hand over the accounts and maintenance fees collected by the respondent over the years from each resident amounting to Rs. 3.5 crores to the Prabhu's Violetta Co-Operative Housing Maintenance Society Limited. The complainants have relied upon chart/sheet made by the complainants which gives breakup of maintenance fees collected till date by the builder of ₹4,21,98,000/- (₹4.2 Cr. approx); yearly maintenance collected by the builder of ₹10758000/- (₹1 Cr. approx); the approximate maintenance expenditure undertaken by the builder till date of ₹1,01,59,200/- (1.01 Cr. approx) and the approximate maintenance expenditure undertaken by the builder on a yearly basis of ₹20,31,840/- (Rupees Twenty Lakhs approx). The said chart would form the basis of reasonable charges as the builder has not disputed the calculation of the complainants.

3. The complainants also seek to produce the calculation sheet of Prabhu's Violetta maintenance collection as all the allottees pay fixed amount of maintenance fee. The complainant also seek to place on record the plan to show the location of the retaining wall on loco as well as extract of defects register to the email dated

04.08.2024. The proposed amendment is intended to avoid multiplicity of proceedings and does not alter the cause of action nor it cause any prejudice to the respondent. The documents are already produced on record, except the calculation chart, which is within the knowledge of the respondent.

4. The respondent filed a reply inter-alia contending that the application alters the nature of the proceedings and seeks to introduce fresh cause of action. The complainants voluntarily executed registered Agreements for Construction and Sale, Deeds of sale, and Affidavits-cum-Undertakings post possession. The complainants were not forced by any person to execute the said AOC, in fact, all these AOC were executed on their own free will. The binding contracts cannot be unilaterally annulled in collateral proceedings before RERA without a specific declaratory suit before a competent civil court. Grave prejudice and irreparable loss would be caused to the respondent as the respondent has already set out its defence. The documents are not relevant to decide the present issue and therefore, the application be dismissed.

5. Argument heard. Notes of written arguments came to be placed by the respondent.

6. It is well settled in the case of *Life Insurance Corporation of India vs. Sanjeev Builders Private Limited & anr., in Civil Appeal No. 5909 of 2022 dated 01.09.2022* that amendment is to be allowed, if the amendment is required for effective and proper adjudication of the controversy between the parties; to avoid multiplicity of proceedings, provided the amendment does not result in injustice to the other side; the parties seeking amendment

does not seek to withdraw any clear admission made by the party which confers a right on the other side; the prayer for amendment is malafide or by the amendment the other side loses a valid defense and where amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint.

7. In the instant case, the complainants are seeking for amendment of additional prayer and for production of additional documents. The complainants have already raised the pleas in Para 38 of the complaint as well as in Paras 10, 13 and 14 of the rejoinder, so also, made a prayer (h) read with (k) seeking direction from the Authority to handover the accounts and maintenance fee by the respondent over the years from each respondent amounting to ₹3.5 Crores to the Prabhu's Violetta Cooperative Housing maintenance Society Limited. The complainants have produced on record the chart/sheet showing the maintenance fees/yearly maintenance/maintenance expenditure collected till date by the respondent and therefore, are seeking additional prayer in place of original prayer (k) as well as alternate relief.

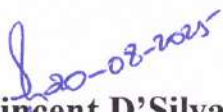
8. Ld. Advocate A. Fernandes for respondent has submitted that the application is wholly misconceived and introduces a new and inconsistent relief, which according to him, cannot be granted. Nonetheless, it is well settled as evident from the case of *Life Insurance Corporation of India*, supra that where amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, are permissible.

9. In the instant case, the amendment sought for is only with respect to the relief in the complaint and to produce documents in support thereof. Great loss would occasion to the complainants, if the application is not allowed as it is relevant and material for just decision of the complaint. The documents including the calculation chart/sheet is necessary to decide the controversy between the parties as the proposed amendment is merely of clarifactory in nature. Moreover, no prejudice would occasion to the respondent as the respondent would get an opportunity to file additional reply as well as produce additional documents, if any and therefore the proposed amendment and production of documents deserve to be granted.

10. Having said so, I pass the following:

ORDER

- i. The application for amendment for additional prayer at exhibit 2166/c as well as production of documents stands allowed.
- ii. Amendment to be carried out forthwith.
- iii. The respondent is at liberty to file additional reply/produce additional documents, if so desire.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 20.08.2025.