

In complaint filed by Complainant Shri. Anirudh K. Agrawal v/s 1) M/s Ashvem Spa & Resorts Pvt. Ltd. 2) M/s Adwalpalkar Constructions & Resorts Pvt. Ltd. in case number F No: 3/RERA/ Complaint(48)/2019, The Authority has passed the following order dated 09/11/2021:-

“In view of above, Respondent No.1 is, hereby, directed to pay interest at the rate of 8% on the amount of Rs. 90,00,000/- w.e.f. 01.06.2018 to 31.10.2021 which comes to Rs. 24,60,000/- (Rupees Twenty four lakhs sixty thousand only) as per provision of section 18(1)(b) of the Act. This amount will be payable by Respondent No.1 to Complainant within 30 days after receipt of this Order failing which he will be liable to pay interest on this amount w.e.f. 01.11.2021 till the entire amount of interest is paid/recovered. Again, Respondent No.1 is also directed to pay monthly interest of Rs. 60,000/- per month commencing from November 2021 payable in the month of December between 1st to 10th of every month till premises is completed and delivered to Complainant. In default of payment of this monthly interest also, Respondent No.1 will be liable to pay to the Complainant interest at the rate of 8% per annum. Further, for the purpose of determination of compensation as discussed in para 9 of this order, the case is referred to Adjudicating Officer in terms of section 71 of the Act.”

Since the Respondent 1 i.e. M/s Ashvem Spa & Resorts Pvt. Ltd., has not complied with the order, the case has been referred to the Mamlatdar of Tiswadi Taluka, for recovery as arrears of Land Revenue.

By Order dated 09/11/2021 passed in complaint 3/RERA/Comp (48)/2019 (Anirudh K Agarwal V/s 1. M/s Ashvem Spa & Resort Pvt. Ltd. 2. M/s Adwalpalkar Construction and Resort Pvt. Ltd.) The case was referred to the Adjudicating Officer for determination of compensation. In case No. 4/RERA/Adj. Matters (13)/2021 (Anirudh K Agarwal V/s 1. M/s Ashvem Spa & Resort Pvt. Ltd. 2. M/s Adwalpalkar Construction and Resort Pvt. Ltd.) the Adjudicating Officer has passed the following order dated 12/08/2022:-

- a) The respondent no. 1 shall pay compensation to the applicant for violation under Section 12 read with Section 72 of the said agreement for concealing facts and inducing the applicant to enter into the said agreement and inducing the applicant to make lump sum payment by such concealment amounting to ₹1,00,000/- (Rupees One Lakh only).
- b) The respondent no.1 shall pay compensation under Section 18(3) and 19 read with Section 72 for failure to perform obligation of the respondent/promoter under Section 11 of the said Act and consequent violation of the rights of the applicant/allottee under Section 19(1) and (2) of the said Act, thereby causing harassment, mental agony and inconvenience by not delivering the possession of the premises booked which is quantified in the amount of ₹2,00,000/- (Rupees Two Lakhs only).
- c) The respondent no. 1 shall also pay compensation to the applicant under Section 18(3) read with Section 72 for violation under Section 14 of the said Act and consequent change of approved plans pursuant to which the applicant is entitled to a set-off towards payment of any additional amount to the respondent no. 1 for the said premises.
- d) The respondent no. 1 is liable to pay compensation to the applicant for loss of income claimed under Section 18(3) read with Section 71 and 72 of the said Act pursuant to failure to deliver possession as is required under Section 19(3) of the said Act and depriving the applicant of his rights which is calculated at ₹300/- per sq. mt. with effect from June, 2018 till date amounting to ₹ 15,12,000/- (Rupees Fifteen Lakhs Twelve Thousand only).
- e) The compensation with respect to paras b) and c) hereinabove shall be paid within one month from the date of this Order failing which the respondent no. 1 shall be liable to pay the same with interest @ 8% per annum till effective payment.
- f) The compensation ordered under para e) hereinabove shall be paid by respondent no. 1 to applicant within one month from today. The respondent no. 1 shall be further liable to pay same monthly compensation of ₹30,000/- per month from 13.08.2022 till the date of handing over the said premises.
- g) The respondent no. 1 shall also pay costs of ₹20,000/- (Rupees Twenty Thousand only) to the applicant.

Since the respondent No 1 i.e. M/s Ashvem Spa & Resort Pvt. Ltd., has not complied with the order and not paid the compensation with interest the said case has been referred to the Collector, North Goa, for recovery as arrears of Land Revenue on 06/01/2023.