

The Adjudicating Officer(Goa RERA) in **Manish V. Gosalia & another V/s M/s Umiya Holding Pvt. Ltd & another** ,in Adjudication case number **4/RERA/Adj.matters(59)/2022** ,vide order dated 27/10/2022 has passed the following order:-

“The respondents are directed to pay the applicants/complainants compensation of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only) for violations under Section 18(3) read with section 71 of The Real Estate (Regulation and Development)Act, 2016 within 30 days of this Order. In default, the respondents shall be further liable to pay the applicant interest on the said amount at the rate of 10.25% p.a. till the date of realization.”

Since the Respondent/Promoter has not complied with the order, the case has been referred to the Collector (South Goa) for recovery of compensation with interest as arrears of Land Revenue. The respondent/ promoter has filed an appeal before the Maha Real Estate Appellate Tribunal. The Execution of order dated 27/10/2022 has been kept in abeyance as Maha Real Estate Appellate Tribunal vide an order dated 02/11/2023 has held that there is no impediment in granting stay to the extent of recovery in execution of amount of Rs. 2,50,000/- passed by Adjudicating officer.

The Adjudicating Officer(Goa RERA) in **Arman Bankley V/s M/s Umiya Holding Pvt. Ltd & another** ,in Adjudication case number **4/RERA/Adj.matters (60)/2022** ,vide order dated 27/10/2022 has passed the following order:-

“The respondents are directed to pay the applicant/complainant compensation of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) for violations under Section 18(3) read with section 71 of The Real Estate (Regulation and Development)Act, 2016 within 30 days of this Order. In default, the respondents shall be further liable to pay the applicant interest on the said amount at the rate of 10.25% p.a. till the date of realization.”

Since the Respondent/Promoter has not complied with the order, the case has been referred to the Collector (South Goa) for recovery of compensation with interest as arrears of Land Revenue. The respondent/ promoter has filed an appeal before the Maha Real Estate Appellate Tribunal. The Execution of order dated 27/10/2022 has been kept in abeyance as Maha Real Estate Appellate Tribunal vide an order dated 02/11/2023 has held that there is no impediment in granting stay to the extent of recovery in execution of amount of Rs. 2,50,000/- passed by Adjudicating officer.

The Adjudicating Officer(Goa RERA) in **Jitendra Kumar Agarwal V/s M/s Umiya Holding Pvt. Ltd & another** ,in Adjudication case number **4/RERA/Adj.matters(61)/2022** ,vide order dated 27/10/2022 has passed the following order:-

“The respondents are directed to pay the applicant/complainant compensation of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only) for violations under Section 18(3) read with section 71 of The Real Estate (Regulation and Development)Act, 2016 within 30 days of this Order. In default, the respondents shall be further liable to pay the applicant interest on the said amount at the rate of 10.25% p.a. till the date of realization.”

Since the Respondent/Promoter has not complied with the order, the case has been referred to the Collector (South Goa) for recovery of compensation with interest as arrears of Land Revenue. The respondent/ promoter has filed an appeal before the Maha Real Estate Appellate Tribunal. The Execution of order dated 27/10/2022 has been kept in abeyance as Maha Real Estate Appellate Tribunal vide an order dated 02/11/2023 has held that there is no impediment in granting stay to the extent of recovery in execution of amount of Rs. 2,50,000/- passed by Adjudicating officer.

In complaint filed by Complainant Shri Arman Bankley v/s 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers in case number F No: 3/RERA/ Complaint(134)/2020, The Authority has passed the following order dated 06/05/2022:-

“The respondents are directed to form a society /Co-operative society/ an association of allottees in respect of the aforesaid project, without any additional charges from the complainant other than those mentioned in the Agreement for Construction and Sale dated 13/03/2018 within two months from the date of this order and handover to its members within the said period all the necessary documents including plans related to the common areas of the said building.

The respondents are further directed to execute a sale deed of the said commercial shop in favour of the complainant along with the undivided proportionate title in the common areas to the association of allottees within two months from the date of this order.

The respondents are further directed to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (e) of the Act within two months from the date of this order and also to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (f) of the Act within two months from the date of this order.

The instant matter is now referred to the Adjudicating Officer for deciding compensation, if any.”

Since the respondent/promoter ie 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers, has not complied with the order and not paid the penalty, the case has been referred to the Collector, South Goa, for recovery as arrears of Land Revenue. The Authority is also unable to execute the aforesaid order 06/05/2022 inter alia directing the respondent to form a society/co-operative society/ an association of allottees in respect of project and also execute Sale Deed in favour of complainants hence the matter is sent to Hon'ble Principal District Judge, District and Sessions Court, Margao South Goa for execution.

The Respondent had filed an appeal before Hon'ble Maharashtra Real Estate Appellate Tribunal, Mumbai and has obtained a stay order on 05/01/2023.

In complaint filed by Complainant Shri Jitendra Kumar Agarwal v/s 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers in case number F No: 3/RERA/ Complaint (135)/2020, The Authority has passed the following order dated 06/05/2022:-

“The respondents are directed to form a society /Co-operative society/ an association of allottees in respect of the aforesaid project, without any additional charges from the complainant other than those mentioned in the Agreement for Construction and Sale dated 11/12/2015 and Agreement for Assignment and Sale dated 30/03/2017 within two months from the date of this order and handover to its members within the said period all the necessary documents including plans related to the common areas of the said building.

The respondents are further directed to execute a sale deed of the said commercial shop in favour of the complainant along with the undivided proportionate title in the common areas to the association of allottees within two months from the date of this order.

The respondents are further directed to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (e) of the Act within two months from the date of this order and also to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (f) of the Act within two months from the date of this order.

The instant matter is now referred to the Adjudicating Officer for deciding compensation, if any.”

Since the respondent/promoter ie 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers, has not complied with the order and not paid the penalty, the case has been referred to the Collector, South Goa, for recovery as arrears of Land Revenue. The Authority is also unable to execute the aforesaid order 06/05/2022 inter alia directing the respondent to form a society/co-operative society/ an association of allottees in respect of project and also execute Sale Deed

in favour of complainants hence the matter is sent to Hon'ble Principal District Judge, District and Sessions Court, Margao South Goa for execution.

The Respondent had filed an appeal before Hon'ble Maharashtra Real Estate Appellate Tribunal, Mumbai and has obtained a stay order on 05/01/2023.

In complaint filed by Complainant Shri Manish V Gosalia and Smt Toral Manish Gosalia v/s 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers in case number F No: 3/RERA/ Complaint (133)/2020, The Authority has passed the following order dated 06/05/2022:-

“The respondents are directed to form a society /Co-operative society/ an association of allottees in respect of the aforesaid project, without any additional charges from the complainants other than those mentioned in the agreement for construction and sale dated 20/07/2016 within two months from the date of this order and handover to its members within the said period all the necessary documents including plans related to the common areas of the said building.

The respondents are further directed to execute a sale deed of the said commercial shop in favour of the complainants along with the undivided proportionate title in the common areas to the association of allottees within two months from the date of this order.

The respondents are further directed to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (e) of the Act within two months from the date of this order and also to pay a penalty of Rs. 1,00,000/- (Rupees One Lakh only) for violation of Section 11 (4) (f) of the Act within two months from the date of this order.

The instant matter is now referred to the Adjudicating Officer for deciding compensation, if any.”

Since the respondent/promoter ie 1. M/s Umiya Holdings Pvt. Ltd 2. M/s Umiya Builders and Developers, has not complied with the order and not paid the penalty, the case has been referred to the Collector, South Goa, for recovery as arrears of Land Revenue. The Authority is also unable to execute the aforesaid order 06/05/2022 inter alia directing the respondent to form a society/co-operative society/ an association of allottees in respect of project and also execute Sale Deed in favour of complainants hence the matter is sent to Hon'ble Principal District Judge, District and Sessions Court, Margao South Goa for execution.

The Respondent had filed an appeal before Hon'ble Maharashtra Real Estate Appellate Tribunal, Mumbai and has obtained a stay order on 05/01/2023.