

In complaint filed by Complainant Shri. Conrad Ferdinand v/s Anup Vishram Prabhu Walavalkar, in case number F No: 3/RERA/ Complaint(132)/2020, The Authority has passed the following order dated 05/11/2021:-

**“In view of above, Respondent is directed to pay Rs. 5,40,000/- to the complainant within thirty days after receipt of the order. Respondent is also directed to pay a penalty of Rs. 20,000/- per month December 2021 onwards (between 1<sup>st</sup> to 10<sup>th</sup> of every month) till delivery of possession to the Respondent. In default of payment of Rs. 5,40,000/- within 30 days, Respondent will be liable to pay interest at the rate of 8% per annum with effect from 1st December, 2021 till the amount is paid/recovered in terms of Rule 18 of ‘The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website) Rules, 2017. Similarly, Respondent will also pay interest at the rate of 8% per annum for monthly amount of Rs. 20,000/- if he does not pay the same before 10<sup>th</sup> of every month as per this order”.**

Since the Respondent ie. Anup Vishram Prabhu Walavalkar, has not complied with the order, the case has been referred to the Mamlatdar of Bardez Taluka, for recovery as arrears of Land Revenue.

In complaint filed by Complainant Hanumant Mahadev Patil and Savita Hanumant Patil in case number F No: 3/RERA/ Complaint (306)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainants with all the amenities and facilities as mentioned in the agreement for sale dated 12.01.2019 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 12.01.2019 from the complainants. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainants are directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainants on the aforesaid amount of ₹42.21 Lakhs paid by the complainants from 07.05.2019 till the date of delivery of possession to the complainants.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,00,000/- (Rupees Two Lakhs only) to be paid by the respondent within a period of two months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*

*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act. ”*

Since the respondent /promoter i.e. Sunstar Homes , has not complied with the above order, the case has been referred to the Collector, North Goa and Hon’ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.



In complaint filed by Complainant Mahmadarafi Jangalisab Hosamani and Tabasum Mahmadarafi Hosamani in case number F No: 3/RERA/ Complaint (303)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainants with all the amenities and facilities as mentioned in the agreement for sale dated 14.05.2019 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 14.05.2019 from the complainants. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainants are directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainants on the aforesaid amount of ₹41.00 Lakhs paid by the complainants from 07.05.2020 till the date of delivery of possession to the complainants.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,00,000/- (Rupees Two Lakhs only) to be paid by the respondent within a period of two months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*

*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act. ”*

Since the respondent /promoter i.e. Sunstar Homes , has not complied with the above order, the case has been referred to the Collector, North Goa and Hon'ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.



11010

In complaint filed by Complainant Vivek arjun Naik Tulaskar and Vina Vivek Naik Tulaskar in case number F No: 3/RERA/ Complaint (286)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainants with all the amenities and facilities as mentioned in the agreement for sale dated 27.06.2016 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 27.06.2016 from the complainants. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainants are directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainants on the aforesaid amount of ₹28.00 Lakhs paid by the complainants from 01.01.2017 till the date of delivery of possession to the complainants.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,00,000/- (Rupees Two Lakhs only) to be paid by the respondent within a period of two months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*

*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act.”*

Since the respondent /promoter i.e. Sunstar Homes , has not complied with the above order, the case has been referred to the Collector, North Goa and Hon'ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.



In complaint filed by Complainant Bhushan Vishnu Bordekar in case number F No: 3/RERA/ Complaint (285)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainant with all the amenities and facilities as mentioned in the agreement for sale dated 23.04.2018 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 23.04.2018 from the complainant. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainant is directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainant on the aforesaid amount of ₹33.60 Lakhs paid by the complainant from 07.08.2018 till the date of delivery of possession to the complainant.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,00,000/- (Rupees Two Lakhs only) to be paid by the respondent within a period of two months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*



*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act. ”*

Since the respondent /promoter i.e. Sunstar Homes , has not complied with the above order, the case has been referred to the Collector, North Goa and Hon'ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.

In complaint filed by Complainant Irappa L. Patil and Savita I. Patil in case number F No: 3/RERA/ Complaint (284)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainants with all the amenities and facilities as mentioned in the agreement for sale dated 25.02.2020 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 25.02.2020 from the complainants. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainants are directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainants on the aforesaid amount of ₹36.92 Lakhs paid by the complainants from 07.05.2020 till the date of delivery of possession to the complainants.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹20,000/- (Rupees Twenty Thousand only) for not applying the extension of the registration of the project immediately after the expiry of its registration and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,20,000/- (Rupees Two Lakhs Twenty Thousand only) to be paid by the respondent within a period of two*

*months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*

*The respondent is also directed to take steps for extension of the registration of the project by paying the above penalty of ₹20,000/- (Rupees Twenty Thousand only) plus charges for extension of registration of the project within two months from the date of this order, though the application for extension of registration by the respondent will be decided on merits by this Authority.*

*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act. ”*

Since the respondent /promoter i.e. AnupVishramPrabhuWalavalkar, had paid the penalty of Rs. 20,000/- (Rupee Twenty thousands) and has received the extension, However a penalty of Rs. 2, 00,000/- (Rupee Two Lakhs) with interest is yet to be recovered hence case has been referred to the Collector, North Goa and matter regards to not giving possession of the flat to complainant is referred to the Hon'ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.



In complaint filed by Complainant Mr. Ratnesh Sadavraksha Prasad in case number F No: 3/RERA/ Complaint (179)/2021, The Authority has passed the following order dated 13/02/2023:-

*“The respondent is therefore directed to give possession of the said flat to the complainant with all the amenities and facilities as mentioned in the agreement for sale dated 29.01.2019 within two months from the date of this order upon taking the balance consideration amount as well as electric meter charges and society formation charges strictly as per the said agreement for sale dated 29.01.2019 from the complainant. Thereafter, the respondent shall comply the mandate of Section 11(4)(e) regarding the formation of an association of allottees/ society and other mandatory provisions of the RERA Act.*

*The complainant is directed to pay the aforesaid balance consideration amount and aforesaid charges to the respondent on the day of and before taking possession of the said flat.*

*Further, the respondent is directed to pay 10.60% per annum interest (present lending rate of interest by SBI which is 8.60 % per annum plus two percent) for every month of delay to the complainant on the aforesaid amount of ₹42.00 Lakhs paid by the complainant from 07.05.2019 till the date of delivery of possession to the complainant.*

*As per the discussion above, the respondent is directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11 (4) (a) of the RERA Act and directed to pay penalty of ₹1,00,000/- (Rupees One Lakh only) for violation of Section 14 (2) of the RERA Act. Thus, the total penalty of ₹2,00,000/- (Rupees Two Lakhs only) to be paid by the respondent within a period of two months from the date of this order. The said penalty amount, if realized by this Authority, be forfeited to the State Government.*

*The respondent is directed to file compliance report of this order within two months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order.*

*The instant complaint is now referred to the Adjudicating Officer to adjudge compensation, if any, as per Section 71 of the said Act.”*

Since the respondent /promoter ie Sunstar Homes , has not complied with the above order, the case has been referred to the Collector, North Goa and Hon’ble Principal District Judge, District and Sessions Court, Panaji North Goa for execution.

The Adjudicating Officer(Goa RERA) in **Ratnesh Sadavraksha Prasad, V/s Sunstar Homes**, in Adjudication case number **F.No: 4/RERA/Adj.Matters (97)/2023**, vide order dated 29/09/2023 has passed the following order:-

- a) The claim for compensation filed by the applicant/ complainant in Form 'B' under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.*
- b) The respondent/ promoter is liable to pay compensation of ₹1,00,000/- (Rupees One Lakh only) to the applicant/ complainant for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.*
- c) The respondent/ promoter is directed to pay compensation to the applicant/ complainant in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.*
- d) The respondent/ promoter is directed to pay the applicant/ complainant compensation in the amount of ₹1,00,000/- (Rupees One Lakh only) under Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.*
- e) The respondent/ promoter is directed to pay the applicant/ complainant compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.*
- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicant/ complainant for delayed payment of*



*pending dues and consideration along with statutory interest from the date it was due stands dismissed.*

- g) In default, the respondent/ promoter shall be liable to pay to the applicant/complainant the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence, the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicant/ complainant on the aforesaid compensatory amounts under clauses (b) to (e).*

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.

The Adjudicating Officer(Goa RERA) in **Bhushan Vishnu Bordekar and Prajata Bhushan Bordekar, V/s Sunstar Homes**, in Adjudication case number **F.No: 4/RERA/Adj.Matters (99)/2023/**,vide order dated 29/09/2023 has passed the following order:-

- a) **The claim for compensation filed by the applicants/ complainants in Form 'B' under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.**
- b) **The respondent/ promoter is liable to pay to the applicants/ complainants compensation of ₹1,00,000/- (Rupees One Lakh only) for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.**
- c) **The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.**
- d) **The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹1,00,000/- (Rupees One Lakh only) under Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.**
- e) **The respondent/ promoter is directed to pay to the applicants/ complainants compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.**

- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicants/ complainants for delayed payment of pending dues and consideration along with statutory interest from the date it was due stands dismissed.
- g) In default, the respondent/ promoter shall be liable to pay to the applicants/complainants the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence, the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicants/ complainants on the aforesaid compensatory amounts under clauses (b) to (e).

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.



The Adjudicating Officer(Goa RERA) in **Vivek Arjun Naik Tulaskar and Vina Vivek Naik Tulaskar, V/s Sunstar Homes**, in Adjudication case number **F.No: 4/RERA/Adj.Matters (100)/2023**/,vide order dated 29/09/2023 has passed the following order:-

- a) The claim for compensation filed by the applicants/ complainants in Form 'B' under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.
- b) The respondent/ promoter is liable to pay to the applicants/ complainants compensation of ₹1,00,000/- (Rupees One Lakh only) to the applicants/ complainants for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.
- c) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.
- d) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹1,00,000/- (Rupees One Lakh only) under

Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.

- e) The respondent/ promoter is directed to pay to the applicants/ complainants compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.
- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicants/ complainants for delayed payment of pending dues and consideration along with statutory interest from the date it was due stands dismissed.
- g) In default, the respondent/ promoter shall be liable to pay to the applicants/complainants the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence, the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicants/ complainants on the aforesaid compensatory amounts under clauses (b) to (e).

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.



The Adjudicating Officer(Goa RERA) in **Hanumant Mahadev Patil and Savita Hanumant Patil,, V/s Sunstar Homes,** in Adjudication case number **F.No: 4/RERA/Adj.Matters (102)/2023/**,vide order dated 29/09/2023 has passed the following order:-

- a) **The claim for compensation filed by the applicants/ complainants in Form ‘B’ under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.**
- b) **The respondent/ promoter is liable to pay to the applicants/ complainants compensation of ₹1,00,000/- (Rupees One Lakh only) for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.**
- c) **The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.**
- d) **The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹1,00,000/- (Rupees One**

Lakh only) under Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.

- e) The respondent/ promoter is directed to pay to the applicants/ complainants compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.
- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicants/ complainants for delayed payment of pending dues and consideration along with statutory interest from the date it was due stands dismissed.
- g) In default, the respondent/ promoter shall be liable to pay to the applicants/complainants the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence,

**the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicants/ complainants on the aforesaid compensatory amounts under clauses (b) to (e).**

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.



The Adjudicating Officer(Goa RERA) in **Irappa L. Patil and Savita L. Patil, V/s Sunstar Homes,** in Adjudication case number **F.No: 4/RERA/Adj.Matters (98)/2023/**,vide order dated 29/09/2023 has passed the following order:-

- a) The claim for compensation filed by the applicants/ complainants in Form 'B' under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.
- b) The respondent/ promoter is liable to pay to the applicants/ complainants compensation of ₹1,00,000/- (Rupees One Lakh only) for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.
- c) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.
- d) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹1,00,000/- (Rupees One Lakh only) under Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.

- e) The respondent/ promoter is directed to pay to the applicants/ complainants compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.
- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicants/ complainants for delayed payment of pending dues and consideration along with statutory interest from the date it was due stands dismissed.
- g) In default, the respondent/ promoter shall be liable to pay to the applicants/complainants the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence, the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicants/ complainants on the aforesaid compensatory amounts under clauses (b) to (e).

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.



The Adjudicating Officer(Goa RERA) in **Mahmadarafi Jangalisab Hosamani and Tabasum Mahmadarafi Hosamani, V/s Sunstar Homes**, in Adjudication case number **F.No: 4/RERA/Adj.Matters (101)/2023/**,vide order dated 29/09/2023 has passed the following order:-

- a) The claim for compensation filed by the applicants/ complainants in Form 'B' under Sections 12, 14, 18 and 19 read with Section 71 of the RERA Act is partly allowed.
- b) The respondent/ promoter is liable to pay to the applicants/ complainants compensation of ₹1,00,000/- (Rupees One Lakh only) for incorrect and false statement of amenities under Section 12 read with Sections 19(4), 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.
- c) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹2,00,000/- (Rupees Two Lakhs only) under Section 19(4) read with Sections 71 and 72 for violation of Section 14 (2) (ii) of the RERA Act for alteration of the sanctioned building plan and construction of one additional floor without consent of the 2/3<sup>rd</sup> allottees of the project within 60 (sixty) days from the date of this Order.
- d) The respondent/ promoter is directed to pay to the applicants/ complainants compensation in the amount of ₹1,00,000/- (Rupees One Lakh only) under Section 19(4) read with Sections 71 and 72 for violation of Section 4 (2) (h) of the RERA Act within 60 (sixty) days from the date of this Order.
- e) The respondent/ promoter is directed to pay to the applicants/ complainants compensation amounting to ₹30,000/- (Rupees Thirty Thousand only) under Section 19(4) read with Sections 71 and 72 of the RERA Act towards legal costs within 60 (sixty) days from the date of this Order.

- f) The counter claim of the respondent/ promoter to recover the loss as compensation from the applicants/ complainants for delayed payment of pending dues and consideration along with statutory interest from the date it was due stands dismissed.
- g) In default, the respondent/ promoter shall be liable to pay to the applicants/complainants the said amounts of compensation under clauses (b) to (e) with interest as per Rule 18 of The Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of interest and Disclosures on Website) Rules, 2017 the rate of interest payable by the promoter and the allottee shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent. At present, such lending rate of interest is 8.75 per annum. Hence, the respondent/ promoter shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay to the applicants/ complainants on the aforesaid compensatory amounts under clauses (b) to (e).

Since the Respondent/Promoter ie **Sunstar Homes.**, has not complied with the order, the case has been referred to the Collector (North Goa) for execution of above order and for recovery of compensation with interest as arrears of Land Revenue.