

In complaint filed by Mr. Francy Agnelo Gonsalves V/s Civilco Engineers and Associates, in case Number F. No: 3/RERA/Complaint (341)/2023, the Authority has passed the following order dated 27.07.2023.

“In the reply, the respondent has stated that the respondent has obtained occupancy certificate dated 14.12.2022 of the said project “Civilco Arcade-I”. The respondent is therefore, directed to give possession of the said flat bearing no. S-303 on the second floor of the said building to the complainant as per the terms of the agreement for sale dated 12.11.2018, within two months from the date of this order.

Further the respondent is directed to pay 10.75 % per annum interest (present lending rate of interest by SBI which is 8.75 % per annum plus two percent) for every month of delay to the complainants on the aforesaid amount of ₹39,45,375/- (Rupees Thirty Nine Lakhs Forty Five Thousand Three Hundred and Seventy Five only) paid by the complainant from 12.11.2019 till the date of delivery of possession to the complainant.

Taking into consideration the facts and circumstances of the case, penalty of ₹1,00,000/- (Rupees One Lakh only) under Section 61 of the RERA Act will serve the ends of justice. Hence the promoter/ the respondent herein is directed to pay the penalty of ₹1,00,000/- 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 in the form of an affidavit 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 Civilco Engineers and Associates represented herein by its partner Mr. Gous Mohammed Shiraguppi, failed to file the compliance report, the case has been referred to the Collector, South Goa for execution. Further since the promoter failed to give possession the matter is referred to Hon’ble Principal District Judge, District and Session Court, Panaji North Goa for execution.

The Adjudicating Officer(Goa RERA) in **Francy Agnelo Gonsalves V/ Civilco Engineers and Associates** in Adjudication case number **F.No: 4/RERA/Adj.Matters (107)/2023/**,vide order dated 31/10/2023 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 is directed to pay the applicant/ complainant compensation of ₹50,000/- (Rupees Fifty Thousand only) under Section 19 (4) read with Section 71 and 72 of the RERA Act towards legal costs within 60 (Sixty) days from the date of this Order.*
- c) In default, the respondent/ promoter shall be liable to pay to the applicant/complainant the said amount of ₹50,000/- (Rupees Fifty Thousand only) by way of compensation 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 amount of ₹50,000/- (Rupees Fifty Thousand only).*

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