

The Adjudicating Officer(Goa RERA) in **Harshad Subhash Savant V/s Expat Projects & Development Pvt Ltd** in Adjudication case number **F No: 4/RERA/Adj. Matters (22)/2021/**,vide order dated 15/11/2022 has passed the following order:-

*“The respondent is directed to pay the applicant compensation of ₹12,64,800/- (Rupees Twelve Lakhs Sixty Four Thousand Eight Hundred only) for violation under section 18 read with section 71 of the Real Estate (Regulation and Development) Act, 2016 within 30 days of this Order. In default, the respondent shall be liable to pay interest on the said amount at the rate 10.35% per annum till realisation.”*

Since the Respondent/Promoter ie. **Expat Projects & Development Pvt. Ltd.**, 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.

In complaint filed by complainant **Shri Joseph Mendonsa and another** V/s **Expat Projects and Development Pvt. Ltd** in case Number **F.No.3/RERA/Complaint(153)/2020**, the Authority has passed the following order dated 20.12.2022:-

*“In the reply, the respondent has stated that the project is 80% complete. The extension for the construction work in the registration certificate is given till December, 2022. The respondent is therefore, directed to give possession of the residential unit/row house bearing unit no. R-039 to the complainants after obtaining occupancy certificate as per the terms of the Agreement for Sale executed and registered on 23.06.2017, within two months from the date of this order.*

*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 ₹77, 18,700/- (Rupees Seventy Seven Lakhs Eighteen Thousand Seven Hundred only) paid by the complainants from 31<sup>st</sup> August 2018 till the date of delivery of possession to the complainants.*

*Under Section 61 of the said Act, if any promoter contravenes any other provisions of the said Act, other than that provided under Section 3 or Section 4, or the Rules or Regulations made thereunder, he shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority. In the instant case, the promoter has not discharged his obligations, responsibilities and functions as per the agreement for sale registered on 23.06.2017 and hence is liable to penalty under Section 61 of the said Act. Taking into consideration the facts and circumstances of the case, penalty of ₹1, 00,000/- (Rupees One Lakh only) will serve the ends of justice. Hence, the promoter/ the respondent is directed to pay the penalty of Rupees One Lakh 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 said Act for execution of this order.*

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

Since the Respondent/ Promoter i.e. Expat Projects and Development Pvt. Ltd., has not complied with the order and not paid the penalty, the case has been referred to the Collector, North Goa, for recovery as arrears of Land Revenue by vide letter dated 10/03/2023. And also since the possession has not been handed over matter has been referred to Principal District Judge (North Goa) vide letter dated 15.03.2023.

In complaint filed by complainant **Harshad Subhash Sawant, V/s Expat Projects and Development Pvt. Ltd** in case Number **F.No.3/RERA/Complaint(301)/2021**, the Authority has passed the following order dated 06.12.2022:-

*“The respondent is directed to refund the amount of ₹57, 20,300/- (Rupees Fifty Seven Lakhs Twenty Thousand Three Hundred only) to the complainant within two months from the date of this order.*

*Further the respondent is directed to pay 10.35 % per annum interest (present lending rate of interest by SBI which is 8.35 % per annum plus two percent) for every month of delay to the complainant on the aforesaid amount paid by the complainant from the dates of payments as mentioned in the aforesaid chart in para 19 herein till the date of actual payment of the aforesaid refund.*

*Under Section 61 of the said Act, if any promoter contravenes any other provisions of the said Act, other than that provided under Section 3 or Section 4, or the Rules or Regulations made thereunder, he shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority. In the instant case, the promoter has not discharged his obligations, responsibilities and functions as per the agreement for sale and hence is liable to pay penalty under Section 61 of the said Act. Taking into consideration the facts and circumstances of the case, penalty of ₹1, 00,000/- (Rupees One Lakh only) will serve the ends of justice. Hence, the promoter/ the respondent is directed to pay the penalty of Rupees One Lakh 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 said Act for execution of this order.”*

Since the Respondent/ Promoter i.e. Expat Projects and Development Pvt. Ltd., has not complied with the order and not paid the penalty, the case has been referred to the Collector, North Goa, for recovery as arrears of Land Revenue by vide letter dated 15/03/2023.

Complaint filed by Mr. Deepak Khaitan V/s M/s Expat Projects and Development Private Limited, in case Number F. No: Case no: 3/RERA/Complaint(186)/2021, the Authority has passed the following order dated 27.06.2023 :-

**“ The Promoter M/s Expat Projects and Development Pvt. Ltd. is directed to refund the amount of ₹53,20,359/- (Rupees Fifty Three Lakhs Twenty Thousand Three Hundred and Fifty Nine only) to the complainant Mr. Deepak Khaitan within two months from the date of this order.**

**Further the said promoter is directed to pay 10.70 % per annum interest (present lending rate of interest by SBI which is 8.70 % per annum plus two percent) for every month of delay to Mr. Deepak Khaitan on the aforesaid amount paid by him from 30th April 2019 till the date of actual payment of the aforesaid refund.**

**Taking into consideration the fact that the complainant Mr. Deepak Khaitan defaulted in making installment towards the consideration amount, no penalty is imposed on the said promoter under Section 61 of the RERA Act.**

**The promoter, M/s Expat Projects and Development Pvt. Ltd. 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 said Act for execution of this order.”**

Since the respondent/ Promoter M/s Expat Projects and Development Private Limited, has not filed the compliance report to the above order, the case has been referred to the Collector, North Goa for execution.

In complaint filed by Complainant Mr. Vinesh Varghese and Mrs. Asha Susan John V/s M/s Expat Projects & Development Private Limited in case number F No: 3/RERA/ Complaint(346)/2023, The Authority has passed the following order dated 28.11.2023:-

“The respondent in the reply and affidavit in evidence has stated that the respondent is willing to deliver the said unit by the end of April 2024 to the complainants and that the balance payment will be collected from the complainants at the time of handing over the said possession. Therefore, the respondent is directed to give possession of the unit row house bearing no. 053, admeasuring an area of 2144 sq. ft. constructed on the land known as ‘ANEXIO DO OITEIRO or GAUCHM XIR E FUXAL GALE’ situated at Panelim, Taluka Tiswadi, North Goa by end of April 2024 with all the amenities and facilities as mentioned in the agreement to sell dated 07.09.2017 upon taking the balance consideration amount of ₹11,50,326/- (Rupees Eleven Lakhs Fifty Thousand Three Hundred and Twenty Six only) from the complainants.

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

Further, the respondent is directed to pay 10.85% per annum interest (present lending rate of interest by SBI which is 8.85% per annum plus two percent) for every month of delay to the complainant on the aforesaid amount of ₹83,49,674/- (Rupees Eighty Three Lakhs Forty Nine Thousand Six Hundred

and Seventy Four only) paid by the complainants from 31.10.2018 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 to be paid by the end of April 2024. 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 by end of April 2024 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. M/s Expat Projects & Development Private Limited has not complied with the order , the case has been referred to the Collector, North Goa, for recovery as arrears of Land Revenue by vide letter dated 20.05.2024 and the matter vide letter dated 30.05.2024 is referred to the Principal District Judge, District and Sessions Court, Panaji for possession.

In complaint filed by Complainant **Mr. Jewel Anthony Gonsalves** in case number **3/RERA/Complaint (380)/2023**, The Authority has passed the following order dated **23.08.2024**:-

*“The promoter/respondent is ordered to return/refund an amount of ₹85,41,911/- (Rupees Eighty Five Lakhs Forty One Thousands Nine Hundreds and Eleven Only) to the complainant, within 30 days from the date of this order.*

*The promoter/ respondent is ordered to pay to the complainant an interest @ 11.10% per annum on the total amount of ₹85,41,911 (Rupees Eighty Five Lakhs Forty One Thousand Nine Hundred and Eleven only) as under:- starting from 06.12.2017 on the amount of ₹20,00,000/-, from 31.12.2017 on the amount of ₹37,69,366/-, from 05.12.2019 on the amount of ₹5,00,000/-, from 29.04.2019 on the amount of ₹2,55,400/-, from 20.12.2019 on the amount of ₹5,00,000/-, from 31.01.2020 on the amount of ₹5,00,000/-, from 12.02.2020 on the amount of ₹1,70,634/-, from 03.06.2020 on the amount of ₹2,00,000/-, from 11.02.2021 on the amount of ₹5,00,000/- and from 11.02.2021 on the amount of ₹1,46,511/- till the actual return/refund of the said amounts to the complainant.*

*As regards the relief of compensation, same shall be referred to the Adjudicating Officer for determination in terms of law.*

*The respondent/promoter is directed to file compliance of the order before this Authority within 60 days from the date of this order.*

*Proceedings closed.”*

Since the Respondent/ Promoter i.e. **Expat Projects and Development Pvt. Ltd.**, has not complied with the order, the case has been referred to the Collector, North Goa, for recovery as arrears of Land Revenue.