



# Vilmaris Homes Private Limited

(Formerly Known as Seaside Hospitality Private Limited)  
Registered Office: A-208, New Friends Colony, New Delhi 110065  
Phone: +91-9958075555, E-mail: info@vilmarishomes.com  
CIN# U55209DL2020PTC361151

To,

January 22, 2024

Goa Real Estate Regulatory Authority,  
1st Floor, SPACES Building,  
Patto, EDC Complex, Panjim, Goa

Kind attn. : Mrs. Sandra D'Souza, O. S. D. ( RERA)

Ref.:- Your Letter dated 05/01/2024 under Ref. F. No. 3/RERA/New Proj. (844) /2021/42 – Project PRGO01221507 – Vilmaris Sunridge.

Dear Madam,

1. We are surprised to note the contents of the letter seeking clarification as to whether had we disclosed any litigation pending or not on the subject property. To the best of our knowledge, taking into account the documents executed for the said property, the handover of possession of the subject property and most importantly upon getting legal opinion, we have replied to you elaborating in detail. However, you chose to write same query again indirectly implying that we have evaded your query, which in fact is not so.
2. By this letter, before we deal with any queries further, we would like to seek your prior clarification to the aspect as to what is included in the definition of disclosure of the litigation on the property as mentioned in RERA ?? Please elaborate which types of litigations are to be disclosed at the time of registration ? Whether even any frivolous litigation not touching subject property although filed by previous title holder in general is to be disclosed or not ? Whether any litigation filed in general for monetary reliefs with no injunction or stay granted to subject property is to be recognized and to be disclosed or not ? Assuming for the sake of arguments and with no offences, assuming for a moment if one files a declaratory Suit in the competent court seeking declaration, then would it imply that all developers will have to register the said litigation during their RERA registration !!



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3. Respected Madam, it is really astonishing that despite our two letters to you explaining in detail about the dispute between the previous owner and nationalized bank and the manner in which we have received clean undisputable title duly granted by the District Mamlatdar, Collector and post due mutation by the appropriate authorities with absolute no lien, charge, dispute, etc., you are still repeatedly asking same query again. Unless and until we are apprised by your office that considering whether the debt recovery proceedings are considered to be a litigation on the subject property or not, we are unable to reply to your query. To the best of our knowledge and legal opinion given to us up till now, there is no litigation on the property. However, we earnestly request your good office to please explain to us as to whether a dispute pending in the debt recovery tribunal pertaining to monetary recovery can be even considered as a "litigation" by us and is required to be disclosed !!

4. The disclosure of litigation as mandated by RERA in their Rules are in the following forms ;

i. Form '1' under Section 3 sub-rule (3) 'Application for registration of Project', para (iv) reads as under ;

*"(iv) the details of encumbrances on the land on which development is proposed including any rights, title, interest, dues, litigation, details relating to mortgage/charge created for the project land for the facility taken by the applicant or any third party and name of any party in or over such land or nil encumbrance certificate from Registration Department or an advocate having experience of ten years or from revenue authority not below the rank of Mamlatdar;"*

To the best of our knowledge, we correctly provided and disclosed all information to RERA.





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ii. Form II – under Rule 3 (6) - FORM OF DECLARATION, SUPPORTED BY AN AFFIDAVIT, WHICH SHALL BE SIGNED BY THE PROMOTER OR ANY PERSON AUTHORIZED BY THE PROMOTER.

*“(2) That the project land is free from all encumbrances.*

OR

*That details of encumbrances including dues and litigation, details of any rights, title, interest or name of any party in or over such land, along with details.”*

We have correctly informed to RERA that the land is free from encumbrances. The litigation which is mentioned is pertaining to incase if the land is encumbered due to any litigation, then the same has to be disclosed, which is not in our case.

5. Further, any litigation pertaining to land is subject to challenge only in the civil courts. In the present case, there is no litigation pending in any civil courts. Further, admittedly the property was mortgaged however the same was sold to us after due process of law by the financial institution to recover its dues. Any litigation pertaining to land in Debt Recovery Tribunal does not hold good and is absolutely out of the jurisdiction of the Tribunal. We would also like mention here that till date there is no challenge to the Sale Deed executed in our favor and further we are in absolute possession without any interference from any person claiming the subject property.
6. For this purpose, we are ready to attend your good office and take suitable knowledge of the same. Subsequently, we would be in a better position to deal with your letter. Needless to mention here that in the said personal attendance at your office, we will also be in a position to explain to in detail properly about the entire matter.



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7. We request you to please take the above contents in its true spirits and do not take it in any offensive manner. We are really let down with the fact that upon a vague complaint by a defaulter, your good office is sending us repeated letters. Infact, the complainant being a wilful defaulter who has gobbled up public money amounting to over 8 crores should be thrown out of your office and no credence should be given to such person. The complainant has wasted precious time of several judicial authorities and having failed so, now has approached your good office.
8. We await your reply and thank you in the meantime.

Thanking you in anticipation

Yours faithfully,

FOR VILMARIS HOMES PRIVATE LIMITED,  
**For VILMARIS HOMES PVT LTD.**

  
Director

# VILMARIS