

In complaint filed by Complainant Mrs. Filomena Fernandes and Mr. Nicolau Geraldo Fernandes, V/s M/s Alfredo M. Cotta and Associates, Shri Alfredo M. Cotta and V.P.K. Urban Co-Operative Credit Society Limited, in case number F No: 3/RERA/ Complaint(353)/2023, The Authority has passed the following order dated 31.01.2024:-

“The respondents 1 and 2 are directed to obtain occupancy certificate in respect of the flat bearing no. AF2, First Floor, Block A, Velha Cidade Residency, Bainguinim, Tiswadi, Goa and deliver possession of the aforesaid flat to the complainants with all the amenities and facilities as mentioned in the agreement for sale dated 16.01.2019 within five months from the date of this order upon taking the balance consideration amount from the complainants.

The complainants are directed to pay the balance consideration amount of ₹4,52,000/- (Rupees Four Lakhs Fifty Two Thousand only) to the respondents 1 and 2 on the day of and before taking possession of the said flat AF2, first floor, Block A, Velha Cidade Residency, Bainguinim, Tiswadi, Goa.

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 complainants on the aforesaid amount of ₹29,68,000/- (Rupees Twenty Nine Lakhs Sixty Eight Thousand only) paid by the complainants from 31.03.2020 till the date of delivery of possession to the complainants.

As for the discussion above, the respondents 1 and 2 are directed to pay ₹1,00,000/- (Rupees One Lakh only) as penalty for violation of Section 11(4)(a) of the RERA Act. The said penalty amount, if realized by this Authority, be forfeited to the State Government.

The respondents 1 and 2 are directed to file compliance report of this order within five months failing which further legal action will be taken by this Authority under the RERA Act for execution of this order. Since, the

respondent no. 3 has no liability under the RERA Act in the instant complaint, there is no order or direction against the respondent no. 3.”

Since the respondent/promoter i.e. M/s Alfredo M. Cotta and Associates 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 12.07.2024 and for possession matter is referred to the Principal District Judge, District and Sessions Court, Panaji by vide letter dated 23.07.2024.