

From: For Shree. Shantadurga Sangodkarin Devasthan
M/s. Boshan Developers Pvt. Ltd.
Boshan Homes, C -501/502,
Opp. Shree Bodgeshwar Temple,
Mapusa – Goa.

Date: 03/10/2014

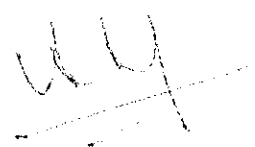
To,
The Chief Officer,
Bicholim Municipal Council,
Bicholim, Goa.

RE: Renewal of license No. 81/2013-2014 dated 21/10/2013.

Sir,

1. This has reference to license issued to us under no. 81/2013-2014 dated 21/10/2013 which is valid up to 18.10.2014. In that connection you are kindly requested to renew the license for further period as permissible.
2. You are kindly requested to note that the said license was suspended on 11.12.2013 for period of 5 months and 26 days without any fault on our part. No show cause notice was given and the same was suspended against the principles of natural justice.
3. The said suspension was revoked only on 05.06.2014 with direction to construct the access and rain water drain before start of construction of the building. The said revocation was done in mid of the monsoon and hence the

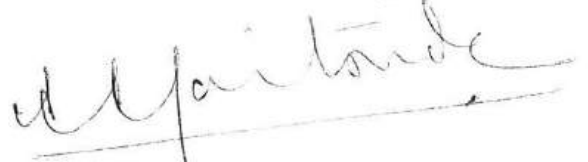

7/10/2014
CHIEF OFFICER
BICHOLIM MUNICIPAL COUNCIL



construction of the rain water drain and access took substantial time on account of heavy rain.

4. We had moved appeal against the said suspension order and the same is pending before the Municipal Administrator where in we have also pleaded to exclude the suspension period and further three months, as we could not do any preliminary work of construction on account heavy rain.
5. Now once again we request you to extend the license period for period of 5 months and 26 days and three months thereafter, which we lost on account of heavy rain and direction given by you to construct the access and rain water drain before starting the construction of building, and to renew the license accordingly.

Yours faithfully,



Mr. A. S. Gaitonde

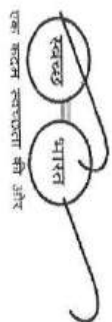
For Shree. Shantadurga Sangodkarin Devasthan
M/s. Boshan Developers Pvt. Ltd.
Boshan Homes, C -501/502,
Opp. Shree Bodgeshwar Temple,
Mapusa - Goa.

C.C. to,

The Honorable Dy. Chief Minister
Secretariat - Porvorim-Goa

Encl. copy of letter dated 11.12.2013 of suspension of license, and revocation of suspension dated 05.06.2014

Tel. No.: 2362282
Fax No.: 2361408



Email ID: bmcgoa1@gmail.com

BICHOLIM-GOA
403504

BICHOLIM MUNICIPAL COUNCIL

No. BMC/Tech/2017-18/1045

Date: - 8 / 11 / 2017

SHOWCAUSE NOTICE

WHEREAS, original licence No.53/2000-2001 dated 15/09/2000 was renewed and revalidated vide licence No. 81/2013-14 dated 21/10/2013 and issued to Shri Devi Shantadurga Sangodkarin Devasthan, M/s Boshan Developers Pvt. Ltd. having its office at Boshan Homes, C-501/502, opposite Shri Bodgeshwar Temple, Mapusa-Goa

AND WHEREAS, this office vide letter No.BMC/Tech/1391 dated 11/12/2013 had suspended the construction licence issued by this Council until further orders.

AND WHEREAS, the Municipal Engineer, Gr.-III, of this Council inspected the construction site on 02/11/2017 at 11.30 a.m. and noticed that the construction work is in progress.

AND WHEREAS, it is seen that plastering & tiling work is in progress on the first floor & fourth floor respectively without valid construction licence.

AND WHEREAS, carrying on with construction activities without valid construction licence is a clear violation of the provisions under Section 184 of Goa Municipalities Act, 1968 and hence the same is termed as "**Illegal Construction**" as per sub-section 8 of section 184 of the said Act.

NOW THEREFORE, I, Harish N. Adconkar, Chief Officer, Bicholim Municipal Council, hereby directs you to stop the construction work immediately and Showcause as to why the above illegal structure should not be removed and the cost incurred thereof shall not be recovered from you in the manner as Property Tax. If satisfactory reply is not received from you within 15 days from the date of receipt of this notice further action deemed fit shall be taken.

(**Harish N. Adconkar**)
Chief Officer
Bicholim Municipal Council

To,
Shri Devi Shantadurga Sangodkarin Devasthan,
M/s Boshan Developers Pvt. Ltd.,
Boshan Homes, C-501/502,
Opposite Shree Bodgeshwar Temple,
Mapusa-Goa.



CIN : U45203GA1996PTC002037

Boshan Developers Pvt. Ltd.,

Boshan Homes, C-501/502, Opp. Shri Bodgeswar Temple, Mapusa - Goa. 403 507
Tel.: (0832) 2252773, Fax : (0832) 6511631
E-mail : info@boshandevelopers.in Website : www.boshandevelopers.in

Ref. No. Bdpl/ Corr/ 0109/2021

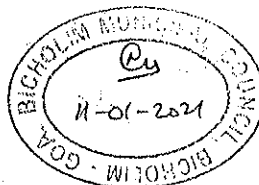
Date: 11/01/2021

To,
The Chief Officer,
Bicholim Municipal Council,
Bicholim Goa.

Re: Renewal of Construction License bearing No. 81 of
2013 dated 21/10/2013.

Sir,

1. This has reference to our pending application dated 03.10.2014 for renewal of the licence No. 81 of 2013 – 2014 dated 21/10/2013 as well as the order dated 19.11.2014 and 06.03.2018 of Director of Municipal Administration.
2. You are aware that the suspension of licence dated 11.12.2013 was without giving any Show Cause Notice and it was revoked by you on 05.06.2014, while the appeal by the Director of Municipal Administration, was disposed on 19.11.2014 thereby, directing the Bicholim Municipality to hear the Applicant on the issue of considering the period during which



the licence remained suspended for further extending validity of the licence by that duration without payment of additional dues.

3. We have earlier by our letters dated 03/10/2014, 09/11/2017, 13/11/2017, 08/01/2018, 25/01/2018, 26/03/2018, 10/11/2018, 08/02/2019 amongst other letters informed and requested you to renew our licence.
4. You are well aware that the project is approved by Town and Country Planning Department.
5. You were directed by the Director of Municipal Administration, Panaji, by their Orders dated 19/11/2014 and 06/03/2018 to renew the licence by taking into consideration the suspended period. Unfortunately, you have not adhered to the directions till this date, and the same has been informed to the Director of Municipal Administration. The suspension of Licence was revoked by yourself by your letter dated 05.06.2013, however, further licence is not renewed, in spite of repeated requests, and in particular, when the permission of TCP was in force.

Patil

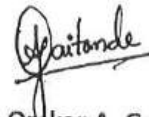
6. You were also directed to take necessary action by the Director of Municipal Administration vide letters dated 17/04/2019 and 10/06/2019 and further at the time of hearing before the Directorate of Municipal Administration held on 11/03/2020.
7. We have completed the parking for total number of 45 cars being on basement, stilt floor and first floor (part), as well as 10 flats on each floor, being on Second, Third, Fourth and Fifth floors, total being 40 single bed room flats and 10 double bed room flats, which are awaiting occupancy certificate as soon as you renew the licence. In fact you are losing revenue, that you are due to collect, as well as the prospective purchasers are not getting the possession of their flats. We are suffering heavily from monetary point of view as well as time lost in completion of our project, besides giving bad reputation to us, on account of illegal suspension, for no fault of ours. Our customers as well as the Bankers are very much annoyed with the delay caused.
8. You are aware that as it is the Mining sector in Bicholim is suffering heavily, while building materials like sand and stones are also not available for construction. The levying of GST, demonetization and present global pandemic situation has

Paitorde

damaged the construction business, besides the market trend is also discouraging. We have substantially invested in the project. Kindly give co-operation in Developing Bicholim by renewing our license upto date without charging fees for the period of suspension.

Yours Truly,

For M/s. Boshan Developers Pvt. Ltd.



Mr. Omkar A. Gaitonde
Director
(DIN: 05189399)

Copy to:

1. Director of Municipal Administration.
2. Administrator for Bicholim Municipal Council.

CIN : U45203GA0000100000

Ref. No. Bdpl/Corr/0119/2022

Date: 29.12.2022

To,
The Chief Officer,
Bicholim Municipal Council,
Bicholim – Goa.

**RE: Renewal of Construction License and issue of
occupancy certificate on completion of construction.**

Sir,

1. We have submitted our application for renewal of license on 03/10/2014 while our license was suspended on 11.12.2013 and it was revoked on 05.06.2014
2. The Director of Municipal Administration had directed you vide its Order dated 19/11/2014 in Case No. 24/2013/TECH/DMA to hear us on the issue of considering the period during which the license remained suspended for further extending the validity of the license by that duration without payment of additional dues. The Director of Municipal Administration had also directed you to hear us within a 10 days from the service of the said order and pass appropriate order as deemed fit, however you failed to do so till date.

Received
BICHOLIM MUNICIPAL COUNCIL
BICHOLIM-GOIA
29/12/2022

3. On 08/11/2017 once again you issues a "stop work order" in view of the construction license being suspended on 11/12/2013 and hence we once again filed an appeal before the Director of Municipal Administration who heard both parties and passed an order dated 06/03/2018 wherein you were to hear us based on the merits of the case, order deemed fit was to be passed within a period of 45 days from the issue of the order dated 06/03/2018 in Case No. 17/2017/DMA. However, till date there has been no compliance from your end despite of several reminders. We have completed our building as per the revised plans which are duly approved by TCP and submitted to you.
4. We have completed the construction in the year 2019 as per the revised plans and our Engineer has issued completion letter as per the revised plans which were submitted to you for renewal of license on 31/10/2022.
5. Subsequently, we have also issued another letter to you dated 25/11/2022 with a request to inspect the site and to assess the Renewal of license fees at the earliest. We have not received any response from you till date.
6. On 03/10/2014 we had applied for renewal of construction license and since then you have failed to renew the same till this date. There are two orders of Director of Municipal Administration dated 19/11/2014 and 06/03/2018 directing you to consider grant of renewal of license. Now while



issuing the renewal of construction license kindly see that you are not charging us renewal as well as revalidation fees for the period from October 2014 till date, during which our license was not renewed at your end without our fault.

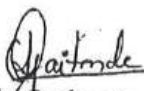
7. We have suffered heavily on account of non-renewal of our license in time, inspite of the directions from time to time from the Director of Municipal Administration. We could not occupy our building. Neither we nor any of our prospective purchasers could avail any finance from any bank or financial institution. Our project is RERA registered and we are answerable to RERA.
8. Now more than 45 days have passed there is no response from you. You are therefore kindly requested to comply with the Orders within 7 days of receipt of this letter, failing which we shall be compelled to take legal recourse.

You early response will be highly appreciated.

Thanking You,

Yours Faithfully,

For M/s. Boshan Developers Private Limited


Mr. Omkar A. Gaitonde
Director
(DIN: 05189399)



**DEPARTMENT OF URBAN DEVELOPMENT
(MUNICIPAL ADMINISTRATION)**

Dempo Towers, 1st Floor, Patto, Panaji-Goa-403001.

Telephone Nos: 0832-2438640/2438708, Fax:0832-2438590

E-mail id: dir-dma.goa@nic.in

Website: www.urban.goa.gov.in

No. DMA/ENGG/COMP/BICH/2018-19/F-05/141 Dated: 17/04/2019

To,
The Chief Officer,
Bicholim Municipal Council,
Bicholim-Goa.

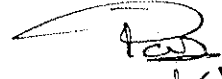
**Sub: Complaint regarding non-execution of Order dt. 06/03/2018
of the Department of Urban Development**

Sir,

With reference to above, please find enclosed herewith copy of the above referred complaint dated 10/11/2018 of M/s Boshan Developers Pvt. Ltd., R/o Boshan Homes, C-501/502, Opp. Shri Bogdeshwar Temple, Mapusa-Goa-403507.

In this regard, you are directed to go through the grievances of the complainant and take necessary action and submit the Action Taken Report (ATR) or proposed to be taken to this office within **05 days** from the date of receipt of this letter for initiating further course of action.

Yours faithfully,


(Ramesh P. Naik)
Additional Director

Encl: as above

Copy to: M/s Boshan Developers Pvt. Ltd., R/o Boshan Homes, C-501/502, Opp. Shri Bogdeshwar Temple, Mapusa-Goa-403507-----for information.

RECEIVED
MUNICIPALITY OF BICHOLIM
17/04/2019

129
20/04/19



**DEPARTMENT OF URBAN DEVELOPMENT
(MUNICIPAL ADMINISTRATION)**

Dempo Towers, 1st Floor, Patto, Panaji-Goa-403001.
Telephone Nos: 0832-2438640/2438708, Fax:0832-2438590
E-mail id: dir-dma.goa@nic.in
Website: www.urban.goa.gov.in

No. DMA/ENGG/COMP/BICH/2018-19/F-05 | 765 Dated: 10 /05/2019
06

To,
The Chief Officer,
Bicholim Municipal Council,
Bicholim-Goa.

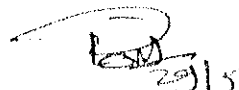
**Sub: Complaint regarding Order dt. 19/11/2014 & 06/03/2018
of the Department of Urban Development against the Chief
Officer of Bicholim Municipal Council.**

Sir,

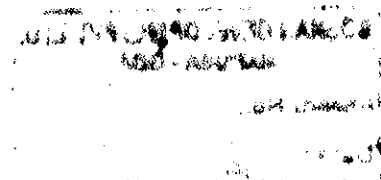
With reference to above, please find enclosed herewith copy of the above referred complaint dated 08/02/2019 received from M/s Boshan Developers Pvt. Ltd., R/o Boshan Homes, C-501/502, Opp. Shri Bogdeshwar Temple, Mapusa-Goa-403507.

In this regard, you are directed to go through the grievances of the complainant and take necessary action and submit the Action Taken Report (ATR) or proposed to be taken to this office within **05 days** from the date of receipt of this letter for initiating further course of action.

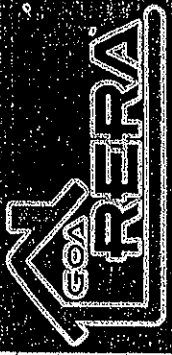
Yours faithfully,


(Ramesh P. Naik)
Additional Director

Copy to: M/s Boshan Developers Pvt. Ltd., R/o Boshan Homes, C-501/502, Opp. Shri Bogdeshwar Temple, Mapusa-Goa-403507-----for information



Registration Certificate Of Project



This registration is granted under section 5 of the Real Estate Act, 2016 to the following project -
Project Registration No: **PRG001200380**

SHREE SHANTADURGA SANGODKARIN RESIDENCY located at **Mapusa-Bicholim Road, Bordem,, Bicholim, Goa, Bicholim, North Goa.**

(1) **BOSHAN DEVELOPERS PRIVATE LIMITED [Company]** having its registered office/principal place of business at **C-501/502, BOSHAN HOMES, OPP. SHREE BODGESHWAR TEMPLE,, MAPUSA, BARDEZ, North Goa.**

(2) This registration is granted subject to the following conditions, namely:-

- (i) The promoter shall enter into an agreement for sale with the allottees;
- (ii) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment or the common areas as per rule 9 of the Goa Real Estate (Regulation And Development) [Registration of Real Estate Projects] Registration of Real Estate Agent, Rates of Interest and Disclosures on Website) Rules, 2017;
- (iii) The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (1) of sub-section (2) of section 4 read with rule 5 of said Rules, 2017;

That entire amount to be realised hereinafter by me/promoter for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose, since the estimated receivable of the project is less than the estimated cost of completion of the project.

- (iv) The registration shall be valid from **21-Jan-2020** and ending with **31-Dec-2021** unless extended by the Goa Real Estate Regulatory Authority in accordance with section 6 of the Act read with Rule 7 of said Rules, 2017;
- (v) The promoter shall comply with the provisions of the Act and the Rules and regulations made thereunder;
- (vi) That the promoter shall take all the pending approvals from the competent authorities;

(3) If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the provision of the Act and the Rules and Regulations made thereunder.

Date: **21-Jan-2020**

Place: **Panaji**



Signature and Seal of the Authorised Officer
Goa Real Estate Regulatory Authority

20

boshan[®]

ISO 9001:2008

CIN : U45203GA1996PTC002037

Boshan Developers Pvt. Ltd.,

Boshan Homes, C-501/502, Opp. Shri Bodgeswar Temple, Mapusa - Goa. 403 507

Tel.: (0832) 2252773, Fax: (0832) 6511631

E-mail: info@boshandevelopers.in Website: www.boshandevelopers.in

Ref.No.: Bdpl/Corr/0047/18

Date: 23rd March 2018

To,
The Goa Real Estate Regulatory Authority,
"RERA Cell",
"Spaces", 1st Floor,
Patto, Panaji-Goa.

Sub:- Submission of Revised Approval of Plans of our "Shree Shantadurga Sangodkarin Residency" project on Survey no. 3/20, 34 at Bordem Bicholim Goa.

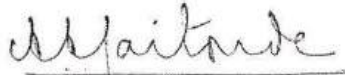
Dear Sir,

This is to inform you that the revised plans of the above mentioned "Shree Shantadurga Sangodkarin Residency" project at Bicholim are submitted to the Town and Country Planning Dept. for their approval.

We shall upload the same on receiving the revised approved plans.

Thanking You.

Yours faithfully,
For Boshan Developers Pvt. Ltd.,



(Amir S. Gaitonde)
DIRECTOR
(Din: 00689830)

• PROMOTERS • DEVELOPERS • BUILDERS

G20



(10)

OFFICE OF DEPUTY TOWN PLANNER
TALUKA OFFICE BICHOLIM - SATTARI
TOWN AND COUNTRY PLANNING DEPARTMENT

GOVERNMENT OF GOA

2nd Floor, Town Center, Municipal Building, Bicholim 403 504 GOA

RefNo: DC/1893/BORDEM/BICH/TCP-25/ 271 O

Date: 7 /10/ 2025

22

Read: 1) Technical Clearance Order issued by this office vide no. DC/
1893/BORDEM/BICH/TCP-22/1928 dtd. 11/10/2022.

2) Your application dtd. 25/9/2025 inwarded in this office under
inward No. 2820 dtd. 26/9/2025.

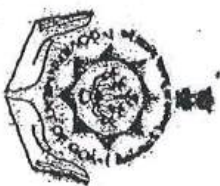
The Technical Clearance Order issued for Proposed Construction of
Residential cum Commercial Building (revised plan) at Sy. No. 3/20 & 34 of
Bordem village of Bicholim Taluka vide order No. DC/
1893/BORDEM/BICH/TCP-22/1928 dtd. 11/10/2022 stands renewed for a period
of 3 years (three years) w. e. f. 11/10/2025 to 10/10/2028.

As regards complaint pertaining to encroachment, judicial orders/directive and
other legal issue, the same may be verified and confirmed by the concerned Village
Panchayat/ Municipality before renewal of license.

(Shivprasad Murari)
Dy. Town Planner

To
M/s. Boshan Developers
Boshan Homes, C-501 - 502,
Opp. Shri. Bodgeshwar Temple,
Mapusa - Goa.

Copy to:
The Chief Officer,
Bicholim Municipal Council,
Bicholim - Goa.



Office of the Dy. Town Planner
Town & Country Planning Department
Bicholim/Sattari Taluka, Bicholim - Goa

Ref No.: DC/1893/BORDEN/BICH/TCP-22/1928

Dated: 11 / 10 / 2022

TECHNICAL CLEARANCE ORDER

Ref No: Inward No. 2004 & 3004

Dated: 22/9/2022 & 4/10/2022

Technical Clearance is hereby granted for carrying out the Proposed Construction of Residential cum Commercial Building (revised plan) by M/s. Boshan Developers as per the enclosed approved plans in the property Zoned as Settlement Zone in Regional Plan for Goa 2021, applicant plot Sy. No. 3/20 is changed from Settlement to Commercial (C2) as per the Chief Town Planner letter dtd. 24/8/2004 situated at village Borden Taluka Bicholim Goa, bearing Survey No. 3/20 & 34 with the following conditions:-

1. Construction shall be strictly as per the approved plans. No change shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00 Mts. X 0.50 Mts. with writing in black color on a white background at the site, as required under the Regulations.
5. The applicant shall obtain Conversion Sanad under the Goa Land Revenue Code, 1968, before the Commencement of any development/construction as per the permission granted by this order.
6. The Septic Tank, soak pit should not be located within a distance of 15.00 meters from any other existing well in the plot area/plan.
7. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
8. Completion Certificate has to be obtained from the Authority before applying for Occupancy Certificate from the licensing authority.
9. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
10. Adequate Utility space for the dustbin, transformer etc. should be reserved within the plot area.
13. In case of any cutting of sloppy land or filling of low-lying land, beyond permissible limits, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Sector 17(A) of the Goa Town & Country Planning Act, 1974.
14. In case of Compound Walls, the gates shall open inwards only and traditional access, if any passing through the property shall not be blocked.
15. The Ownership and tenancy of land if any of the property shall be verified by the licensing body before the issuing of the license.

Cont...2/

16. The Municipality/ Panchayat shall ensure about the availability of required portable water and power supply before issue of license.
17. The adequate arrangement for collection and disposal of solid waste generated within the plot shall arrange to satisfaction of Village Panchayat.
18. Adequate storm water network shall be developed up to the satisfaction of Municipality/ Village Panchayat and same to be connected to the existing drain in the locality.
19. The Municipality/ Village Panchayat shall take cognizance of any issue in case of any complaints/ Court orders before issue of construction license.
20. Applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the affidavit to be produced to the Municipality/ village Panchayat.
21. Required numbers of trees shall be planted by the applicant in the said plot/ property as per the Regulation 18 of the Goa Land Development and Building Construction Regulations, 2010 regarding landscaping of open spaces/ trees plantation along the roads and in develop plots.

NOTE:

- a) This Technical Clearance order is issued based on the orders issued by the Secretary (TCP) vide nos. 29/8/TCP/2018(Pt.file)/602 dtd. 28/3/2018 and 29/8/TCP/2018(Pt.file)/645 dated 06/04/2018 pertaining to guideline for processing various applications.
- b) An engineer who designs the RCC structure, of the project proponent is liable for structural designs and stability of the project, structural liability certificate issued by an Engineer Parash Gaitonde TCP Reg. No. ER/57/2010 dtd. 28/9/2020.
- c) This order is issued with reference to the applications dated 24/2/2022 from M/s. Boshan Developers.
- d) Applicant has paid infrastructure tax of Rs. 5,38,545/- (Rupees Five Lakhs Thirty Eight Thousand Five Hundred Forty Five Only) vide challan no. 63 dtd. 27/9/2022 as per the direction of the Hon'ble High Court of Bombay at Goa vide Writ Petition No. 1697 dtd. 2022 (Filing).
- e) This Technical Clearance Order is issued with the approval of the Chief Town Planner (Planning) on note no. DC/1893/BICH/TCP/21/422 dtd. 25/2/2021.
- f) This Technical Clearance Order is issued based on legal opinion given by the Government Advocate Priyanka Kamat and applicant submitted an Affidavit dtd. 10/12/20 stating in the said affidavit at Para No. 3 & 4 which read as:

3) I Say that the present revision of plans is subject to the outcome of the Civil Suit bearing No. 6/2015 that in event the Court Decrees the said Civil Suit the consequent action would follow and M/s. Bshan Developers Pvt. Ltd. Would comply with the court judgment and Decree accordingly and the Town & Country Planning Department will not be responsible in any matter.

4) I Say that the construction which is going on/ under construction is in the surrounding area and not on original structure of the said temple.

Cont...3/-

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE
ISSUE OF CONSTRUCTION LICENCE PROVIDED THE CONSTRUCTI
LICENCE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.

(Shivprasad Murari)
Dy. Town Planner

To,
M/s. Boshan Developers
Boshan Homes, C-501-502,
Opp. Shri. Bodgeswar Temple,
Mapusa - Goa.

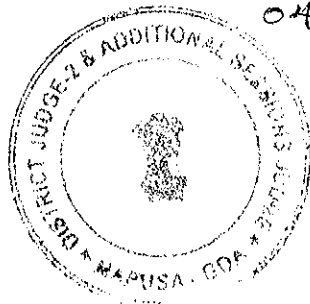
Copy to:
The Chief Officer
Bicholim Municipal Council
Bicholim - Goa.



The permission is granted subject to the provision of Town & Country Plan
Act 1974 and the rules & Regulation framed there under.

APPLICATION No. 43/26-27 is required for records purpose.

Date on which copy applied for 30/06/2026
Date on which application completed 30/06/2026
Date given for taking delivery 08/07/2026
Date on which copy received 02/07/2026
Date on which copy filed 04/7/2026
Copying and delivery charges Rs. 20+52 = 72/-
are paid in Nazir's Office of the Court
under Receipt No. 082249 dated 30/06/2026
042256 04/7/2026




04/07/2026
Superintendent
Court of District Judge-2 &
Addl. Sessions Judge, Mapusa

**IN THE COURT OF DISTRICT JUDGE-2, RAJ RAUNAK
BUILDING, NORTH GOA AT MAPUSA.**

Civil Suit No. 06/2015

Comunidade of Bordem,
Through its Special Attorney,
Having Office at: Gaonkar Wada,
Bicholim Goa.

... Plaintiff

V e r s u s

1. Shree Shantadurga Sangodkarin Devasthan,
Having Office at Sangolda Livramente Wado,
Sangolda, Bardez Goa.

1. A Shree Shantadurga Sangodkarin, Charitable and
Religious Trust, through its Managing Trustee, Having
Office at Liveramente Wado, Sagolda, Bardez-Goa.

2. Boshan Development Pvt. Ltd.,
A Private Limited Company, Registered under the Indian Companies
Act. 1956 Bearing registration No. 24-02037 dtd. 16/2/1996 Having its
Registered office at C-501/502, Boshan Homes. Opposite Shree
Bodgeshwar Temple, Mapusa, Bardez Goa. Represented herein by its
Managing Director, Having Office: at C-501/502, Boshan Homes,
Opposite Shree Bodgeshwar Temple, Mapusa, Bardez Goa.

3. Bicholim Municipal Council,
Through its Chief Officer, Bicholim, Goa.

4. Town & Country Planning Department,
Through Deputy Town Planner, Bicholim, Goa.

5. State of Goa,
Through The Chief Secretary
Secretariat Building, Porvorim, Goa.

... Defendants

*checked with original
for*





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 29/9/15
 E-16-D-127

IN THE COURT OF AD – HOC DISTRICT JUDGE – I, FTC
 MAPUSA

Civil Suit No. 6/2015

Comunidade of Bordem

... Plaintiff

V/S

Shree Shantadurga Sangodkarin Devasthan

& ors.

... Defendants

APPLICATION UNDER ORDER VII RULE 11 OF
THE CODE OF CIVIL PROCEDURE, 1908 ALSO
READ WITH SECTION 151 OF THE CIVIL
PROCEDURE COURT, 1908.

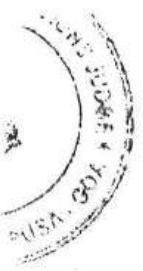
MAY IT PLEASE YOUR HONOUR:

The Defendant No. 2 most respectfully begs to State and
 Submit as under:

The Plaintiff has instituted the present suit seeking declaratory
 and injunctive reliefs.

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 17/10/2015
 Ad hoc DS-1 (FTC)
 Mapusa
 R. Mendonça
 NO. 3

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 ss. 151
 1. for def 1 (a)



2. The Plaintiff has impleaded Shree Shantadurga Sangodkarin Charitable and Religious Trust as Defendant No. 1(a) to the present suit without adherence to the principles of natural justice.
3. Apart from Limitation Act, the suit is also barred under provisions of the Code of Communitades and the Indian Trusts Act, 1882, for non-compliance with statutory mandates.
4. The newly impleaded Defendant No. 1(a) is not a juristic person capable of suing or being sued. It lacks independent legal identity distinct from its trustees.
5. From the averments in the plaint, it is evident that the suit is ex-facie barred by limitation. The Plaintiff was well aware about the existence of the Defendant No. 1 (a) and has deliberately suppressed material facts to circumvent the limitation period, by not making any averments in respect of cause of action as



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against Defendant No. 1 (a) thereby amounting to abuse of process and fraud upon the Court. Despite the factum of the trust being constituted in the year 2014, which was placed on record in October 2016 in due course of amending the written statement filed by this Defendant, the trust was impleaded only in the year 2025 upon an application made by the Plaintiff in the year 2024, which makes the suit barred by limitation. Even otherwise the trust is sought to be impleaded without reference to trustees which makes the suit untenable since the trust by itself is not an entity in terms of law.

6. The plaint is liable to be rejected under Order VII Rule 11 (a) and (d) CPC, as well as under the inherent powers of this Hon'ble Court under Section 151 CPC.
7. The suit is basically frivolous, vexatious, and instituted with ulterior motives of extortion. It lacks merit and unnecessarily burdens judicial time.

8. The plaint, read in conjunction with the documents relied upon, fails to disclose a clear and enforceable right. No decree as prayed for can be passed.
9. The suit does not disclose a genuine cause of action as against Defendant No. 1 (a). The drafting creates an illusion of one, which warrants rejection under Order VII Rule 11 CPC.
10. Considering the nature of the dispute, there is non-disclosure of cause of action. There is no crystalized right to sue that is disclosed in favour of the plaintiff.
11. The power under Order VII Rule 11 CPC is exercisable at any stage of the proceedings and is mandatory where any of the grounds under clauses (a) to (e) are met.

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(7)

12. The Court must be vigilant against suppression and camouflage, and reject suits that are manifestly meritless and abusive of the judicial process.
13. It is settled law that limitation runs from the date the right to sue first accrues. Successive alleged violations do not revive limitation. The present suit is time-barred.
14. The Plaintiff has no locus standi to challenge the Defendant's title. The suit appears to be an afterthought driven by ulterior motives.
15. Vital dates have been deliberately omitted from the pleadings, despite being evident in the documents relied upon, to mislead the Court on limitation.

PRAYERS:

In view of the above, this Defendant most respectfully prays that this Hon'ble Court may be pleased to:

- a) Reject the plaint in its entirety under Order VII Rule 11(a) and (d) of CPC;
- b) Exercise its inherent powers under Section 151 CPC to dismiss the suit;
- c) Pass such other and further orders as may be deemed just and proper in the facts and circumstances of the case.

Place: Mapusa-Goa.

Dated: 29/09/2025.

Presented on 17/10/2025



Adv. Sonali Gaitonde
Adv. for the Defendant No. 2





Civil Suit No.6/2015

CNR NO: GANG01-000517-2015

ORDER BELOW EXH.127

(Delivered on this 22nd day of the month of June of the year 2026)

1. This order shall dispose off application under Order VII Rule 11 r/w section 151 of the Code of Civil Procedure, 1908 filed by defendant no.2, at Exh.127.
2. I have considered written arguments filed by advocate for defendant no.2 which is at Exh.132 and in support of the Exh.127, Ld. Adv. Ms. Gaitonde appearing for defendant no.2 relied on following case laws:-

N.M. Nabeesa Vs. State of Kerala, decided by Hon'ble High Court of Kerala.

Sankar Padam Thapa Vs. Vijaykumar Dineshchandra Agarwal decided by Hon'ble supreme court of India and reported in 2025 INSC 1210.

3. Ld. Advocate for the plaintiff has filed his reply at Exh.130 and has also filed written arguments which is at Exh.D-133.

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Balasaria construction Pvt. Ltd., Vs. Hanuman Seva Trust & ors reported in 2006(5) SCC 658.

Chhotanben & anr. Vs. Kiritbai Jalkrushnabhai Thakkar, reported in 2018(6) SCC 422.

Ramesh Desai & ors. Vs. Bipin Vadilal Mehta, reported in 2006(5) SCC 638.

Urvashiben & anr. Vs. Krishnakant Manuprasad Trivedi, reported d in 2019(13) SCC 372.

Satyadhyan Goshan & ors. Vs. Deorajin Debi & anr., reported in AIR 1960 SC 941.

4. I have duly considered the rival contentions raised in the written arguments vis-à-vis the records.
5. The defendant no.2 has filed application for rejection of plaint under Clause (d) of Order VII Rule 11 of CPC on the ground that it is barred by Code of Communitade, Indian Trust Act, 1882 and the Limitation Act.
6. The plaintiff has filed a suit for declaration and permanent injunction against five defendants.
7. In brief, the plaintiff's case is that the property known as Coirath also known as "Cairata" also known as "Khairat Bhatle" also known as "Kharat Bhatle" admeasuring 4650 sq. mts. out of which the suit property admeasures 3914 sq. mts. and surveyed under no.20/3 of village Bordem, Bicholim. It is the contention



of the plaintiff Comunidade that it is the owner of the suit property and property which is being usurped for the purpose other than the one prescribed under the Code of Comunidade.

8. In the cause title the plaintiff has pleaded details of defendant nos.1 and 1A which are reproduced below:-

Defendant no.1

Shree Shantadurga Sangodkarin Devasthan,
having office at Sangolda,
Livramente Wado, Sangolda,
Bardez Goa.

Defendant no.1A

Shree Shantadurga Sangodkarin
Charitable and Religious Trust,
through its Managing Trustees
having office at Livramente Wado,
Sangolda, Bardez Goa.

9. It is the contention of the defendant no.2/M/s Boshan Developers Pvt. Ltd., that defendant no.1A is a "Trust" which is not a juristic person capable of suing or being sued as it lacks independent legal identity distinct from its trustees and that a "Trust" is a mere obligation as per the provisions of the Indian Trust Act, 1882.

10. Section 3 of Indian Trusts Act, 1882 defines "Trust" as an obligation annexed to the ownership of property as arising out of a confidence reposed in and accepted by the owner or declared and accepted by him for the benefit of another or of another and the owner.

11. Chapter III of the India Trusts Act deals with duties and liabilities of the trustees which lays down u/s 13 that a trustee is bound to maintain and defend all such things, and to take such other steps as regard being had to the nature and amount or value of the trust property, may be reasonably requisite for the preservation of the trust property or the assertion or protection of the title thereto.

12. In support of the contention that "Trust" is an obligation, Ld. Adv. Gaitonde has relied on the ratio laid down in the case of N.M. Nabeesa (supra) and Sankar Thapa (supra) wherein it is laid down that civil or criminal proceeding has to be filed against a trustee. In view of the said ratio, the impleadment of defendant no.1A is erroneous as it is not a juristic person. No any trustees of defendant no.1A trust have been impleaded is erroneous and therefore, the plaint is liable to be rejected against defendant no.1A.

13. The defendant no.2 has sought rejection of plaint on the second count that the suit is barred by limitation claiming that the plaintiff was well aware about the existence of defendant no.1A which was constituted in the year 2014 but deliberately suppressed said material fact and impleaded defendant no.1A only in the year 2025 contrary to the Indian Trust Act and secondly, no any trustees of the defendant no.1A were impleaded in the suit. Therefore, the suit is barred by limitation.



14. To elaborate more, the advocate for the defendant no.2 drew my attention to complaints dated 21/07/2014, 25/01/2010, 12/12/2013(2). In the said complaints which were filed by the residents of Gaonkarwada, Bordem, Bicholim, it is nowhere mentioned that the suit property belonged to plaintiff Comunidade. However, they had alleged that the construction activity blocking their access is likely to start.

15. In the complaint dated 21/07/2014, which was filed by Sudhakar Pal, one of the components of the plaintiff Comunidade informing that there is a preparation for construction and the labourers had gathered in the suit property. These complaints clearly show that the plaintiff was aware that the defendant no.2 had started the construction of the four to five storeyed complex in the suit property way back in 2010 and had requested the Bicholim Municipal Council to take immediate action to protect the right to motorable access.

16. Shri Sudhakar Pal had signed all the four complaints. Further para 22 of the plaint it is pleaded that on 21/07/2014, the plaintiff noticed construction activity going on in the suit property i.e. construction was started prior to 2014 and it was continuing in the year 2014. As per the Limitation Act, the limitation starts running from the date the right to sue accrued first and therefore, the limitation started to run from the year 25/01/2010 and the suit is filed on 04/02/2015 beyond the period of three years.

17. The defendant no.2 has claimed that the suit is also barred under Code of Communitade for non-compliance with statutory mandates. The Plaintiff is silent about any permission sought to file a suit as against the wrongly impleaded party so also the Plaintiff has failed adhere to the procedure as otherwise needed to file a suit under the provisions of The Code of Communitade under Article 349, Article 9, Article 379, Article 371, Article 78.

18. The Plaintiff has pleaded in the Plaintiff at para no. 13 that on 12/08/2014 they came to know that the Managing Committee of the Defendant No. 1 has clandestinely executed Agreement for Sale dated 06/10/2009 with Defendant no.2, however, there is no any material on record to prove that date of knowledge of execution of the agreement was 12/08/2014 and as to when they came to know about an old record dated 14/12/1769. From the alleged date of knowledge i.e. 12/08/2014, the Plaintiff has filed this suit almost 6 months after getting knowledge and that too by flouting the provisions of the Code of Communitade, and by suppression of material facts sought permission from the Administrator of Communitade under Article 9 of the Code of Communitade under the garb of the suit being of preservatory nature and have also waived notice under Section 80 of the Code of Civil Procedure.

19. However, the Administrator of Communitade revoked the permission vide its Order dated 01/09/2015 by observing in para 8 as follows:



"8. That the Comunidade of Bordem has failed to produce any document or any records otherwise required to be maintained by them under Chapter II Register no.1 and 2(Tombos Section I and II) Article 208 to 237 and Section VIII "contract Book of Article 532 to 537 of the Code or any other record under the Code of Comunidade as required to be maintained by them to establish their right, title or interest in the property "Coirat" surveyed under survey no.3 subdivision no.20 of village Bordem, Bicholim. That the name of Comunidade of Bordem is also not recorded in the Form I & XIV".

20. The aforesaid observation made by Administrator of Comunidade speaks volumes about the inappropriate claim of ownership set out by the plaintiff Comunidade which is baseless. The said order dated 01/09/2015 was challenged by the Plaintiff Comunidade before the Hon'ble High Court of Bombay at Goa under Writ Petition No. 187 of 2016 and the Hon'ble High Court of Bombay at Goa vide its order dated 16/11/2016 was pleased to quash the order dated 01/09/2015 only on technical ground that there is no provision for the same authority to revoke its own permission, however, the Hon'ble High Court of Bombay at Goa in its order had categorically mentioned that it has not gone into the merits of the Order and the said burden was cast on the Trial Court whether the Plaintiff has followed necessary procedure under the Code of

Comunidade before filing of the present suit. In view of the discussion in the foregoing paras, the plaintiff failed to follow the necessary procedure.

21. The permission dated 03/02/2015 is vague in nature since it does not disclose as to against whom the suit is to be filed and the details of the property in respect of which the suit is to be filed and therefore, since the subject matter is not mentioned in the permission, it is not a valid permission.

22. Impleading defendant no.1A amounts to filing new suit against the newly added party. The order passed by this court on 01/07/2023 dismissing the attempt of the plaintiff for changing the name of defendant no.1 is also relevant and therefore, the permission dated 03/02/2024 did not extend to the newly added defendant no.1A and therefore, fresh permission was required from the Administrator of Comunidade to maintain said suit against newly added defendant no.1A which existed even prior to the filing of the suit.

23. The plaintiff's suit is for declaration and permanent injunction. Since the suit is not maintainable against defendant no.1A due to improper impleadment, no any declaration can be issued.

24. In Balasaria construction Pvt. Ltd. (supra) wherein it is held that the application under Order 7 Rule 11(d) CPC has to be decided based on statement of plaint. The said ratio is a well



settled principle and therefore, only plaintiff's case is taken into consideration.

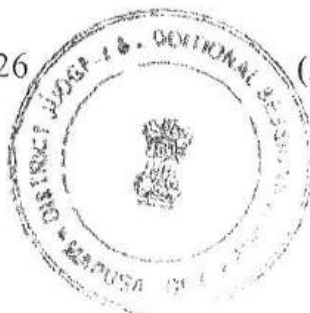
25. In Chhotanben (supra) it is held that the plea that the plaint is required to be rejected being barred by limitation is a triable issue. In this case, the documents of the plaintiff are apparent that the suit is barred by limitation and therefore, it is not necessary to frame any issue to that effect. In Ramesh Desai (supra) it is held that limitation has to be decided as a preliminary issued. However, for the reasons mentioned in respect of Chhotanben (supra), the ratio laid down in the case of Ramesh Desai do not apply. In view of the discussion in the foregoing paras, the ratio laid down in the case of Satyadhyan Goshan (supra) is also not applicable. Hence, the plaint is liable to be rejected and following order is passed:-

ORDER

The application under Order VII Rule 11 r/w section 151 of the Code of Civil Procedure, 1908 filed by defendant no.2, at Exh.127 is granted and plaint stands rejected.

Proceeding stands closed.

Mapusa, Goa.
Dated: 22/06/2026



(Apurva R. Nagvenkar)
(Apurva R. Nagvenkar)
District Judge-2,
Mapusa - Goa.

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Civil Suit No.6/2015

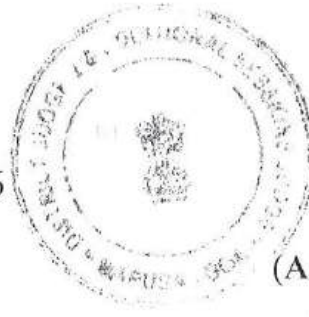
CNR NO: GANG01-000517-2015

CORRIGENDUM TO ORDER BELOW EXH.127

1. Order dated 22/06/2026 was passed in Civil Suit no.6/2025, on Exh.127. It has been brought to my notice that in para 7, line 5 on page 8 of the said order there is an inadvertent typographical error with respect to survey number, which need to be corrected and the same may be read as "3/20" instead of "20/3".

Mapusa, Goa.

Dated: 23/06/2026



(Apurva R. Nagvenkar)

District Judge-2,

Mapusa - Goa.

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CERTIFIED TRUE COPY

04/07/2026
C. Mendes
District Judge-2
Mapusa - Goa





Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.9/2024
WITH
CIVIL APPLICATION NO.30/2024
IN
APPEAL FROM ORDER NO.9/2024**

M/S BOSHAN DEVELOPERS PVT. LTD.
REPRESENTED BY ITS MANAGING
DIRECTOR SHRI OMKAR GAITONDE ... APPELLANT

Versus

COMMUNIDADE OF BORDEM THR.
ITS SPECIAL ATTORNEY AND 4 ORS. ... RESPONDENTS

Mr Shivan Desai and Ms Riya Amonkar, Advocates for the Appellant.
Mr Vineet Surlakar, Advocate for Respondent No.1.
Mr S. P. Munj, AGA for the Respondent-State.
Mr Prayash Shirodkar, Advocate for Respondent No.3.

CORAM: VALMIKI MENEZES, J.

DATED: 2nd JULY 2026

P.C. :

1. Learned Advocate for the Appellant has placed on record an order dated 22.06.2026 passed by the District Court in Civil Suit No.6/2015 which has rejected the Respondent/Original Plaintiff's Suit under Order 7, Rule 11, CPC. Considering that the Plaint has been rejected, the present Appeal, which arises from the said Suit, would no more survive.

2. The Advocate for the Respondent/Original Plaintiff in the Suit submits that the Plaintiff is in the process of filing a Civil Revision Application to challenge the order of rejection of the Suit.

3. In these circumstances, since the Appeal is rendered infructuous, the same is dismissed as withdrawn; however, liberty is granted to the Appellant to revive this Appeal and the interim order passed on 24.04.2024, which was extended from time to time, in the event that the Revision Application, if filed, is allowed.

4. Accordingly, the present Appeal is disposed of and in view thereof, all the misc. applications filed therein are also disposed of.

VALMIKI MENEZES, J.