

In Complaint filed by Complainant Mrs. Sugandha Pravinkumar Shirodkar V/s Shri Viresh Kamalanath Nadkarni, in case number F.No: 3/RERA/Complaint (276)/2021, the Authority has passed the following order dated 24/04/2023:-

“The respondent is therefore directed to give possession of the Apartment no. 104 on the upper ground floor of the project “Ferreira Manor” along with parking slot situated at Mapusa, Goa to the complainant with all the amenities and facilities as mentioned in the agreement for sale dated 29.08.2018 within two months from the date of this order upon taking the balance amount of Rs. 9,95,800/-(Rupees Nine Lakhs Ninety Five Thousand Eight Hundred only) from the respondent as per the calculation given above. Thereafter, the respondent shall comply other mandatory provisions of the RERA Act.

The complainant is directed to pay the aforesaid balance amount to the respondent on the day of and before taking possession of the said flat.

Further, the respondent 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 the complainant on the aforesaid amount of ₹37,10,320/- (Rupees Thirty Seven Lakhs Ten Thousand Three Hundred and Twenty only) paid by the complainant from 26.12.2019 (the due date of possession as per the agreement for sale) 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 and directed to pay penalty of ₹20,000/- (Rupees Twenty Thousand only) for not obtaining the extension of the registration of the project immediately after the expiry of its registration. Thus, the total penalty of ₹1,20,000/- (Rupees One Lakh Twenty Thousand only) to be paid by the

respondent 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 also directed to take steps for extension of the registration of the project by paying the above penalty of ₹20,000/- (Rupees Twenty Thousand only) plus charges for extension of registration of the project within two months from the date of this order, though the application for extension of registration by the respondent will be decided on merits by this Authority.

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 i.e. Viresh Nadkarni, has paid penalty of Rs. 1, 20,000/- (Rupees One lakh, Twenty thousand only) however Interest component is yet to be paid, the case has been referred to the Office of the Collector, North Goa and matter with regards to not giving possession of the flat to complainant is referred to the Hon'ble Principal District Judge, District and Session Court, Panaji for execution.

The Adjudicating Officer(Goa RERA) in **Mrs. Sugandha Pravinkumar Shirodkar Vs Shri Viresh Kamalanath Nadkarni** in Adjudication case number **F.No: 4/RERA/Adj.Matters (103)/2023/**,vide order dated 29/09/2023 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 to the applicant/ complainant compensation of ₹1,00,000/- (Rupees One Lakh only) for causing mental agony under Section 19(4) read with Sections 71 and 72 of the RERA Act within 60 (sixty) days from the date of this Order.*
- c) The respondent is directed to pay to the applicant/ complainant compensation of ₹30,000/- (Rupees Thirty Thousand only) towards legal costs of proceedings under Section 19(4) read with Sections 71 and 72 of the RERA Act within 60 (sixty) days from the date of this order.*
- d) In default, the respondent shall be liable to pay to the applicant/complainant the said amounts 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 shall be liable to pay interest at the rate of 10.75% p.a. for every month of delay in case of default to the applicant/ complainant on the aforesaid compensatory amounts under clauses (b) and (c) above.*

Since the Respondent/Promoter ie. **Shri Viresh Kamalanath Nadkarni.**, 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.