



**GOA REAL ESTATE REGULATORY AUTHORITY
DEPARTMENT OF URBAN DEVELOPMENT**

GOVERNMENT OF GOA

101, 1st Floor, 'SPACES' Building, Plot No. 40, EDC Patto Plaza, Panaji 403 001 GOA

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Case no.4/RERA/Adj. Matters (10)/2021/1004

Date: 22/12/2022

BEFORE THE ADJUDICATING OFFICER

Vanshika Rane,

UG1/UG2, Varadhraj Greens,

Near HP Gas Godown,

Matve, Dabolim, South Goa-403801.

.....Complainant

Versus

Sandeep Shirodkar,

C-1, Tilak Commercial Complex,

Vasco Da Gama, Goa-403802.

.....Respondent

ORDER
(Dated 22.12.2022)

On going through the records, it is noticed that the present matter was referred to the Adjudicating Officer for determination of compensation, if any, under Section 71 of the Real Estate (Regulation and Development) Act, 2016 by the Member, Goa RERA vide Order dated 11.10.2021 in case No. 3/RERA/Complaint(118)/2020.

2. The applicant thereafter filed her claim for compensation in Form 'B' seeking compensation against the respondent Shri Sandeep Shirodkar. In the objections/reply to the application for claim for compensation the respondent in para 2 has categorically stated that the project "Varadhraj Greens" is registered with RERA on 23.11.2021 and the payment of ₹50,000/- (Rupees Fifty Thousand only) paid and acknowledge successfully by RERA on behalf of Ms. Siddhi S. Shirodkar.
3. At para 3 the respondent has stated that the completion certificate by Mormugao Planning Authority is granted to the project in favour of Mrs. Siddhi S. Shirodkar the owner of the Varadhraj Greens, c/o Mrs. Siddhi S. Shirodkar having its office at RadahKrishna Nivas, Nr. 1st PWD water tank, New Vaddem, Vasco da Gama, Goa.
4. At para 8 the respondent Mr. Sandeep Shirodkar has stated that the owner had revoked the Power of Attorney to Mr. Sandeep Shirodkar (the respondent herein) in which capacity the respondent had signed the Agreement to Sale with the complainant. The said Power of Attorney along with revocation is annexed hereto.
5. At para 10, the respondent has stated that the completion certificate and occupancy certificate and all the project licenses are standing in the name of Ms. Siddhi S. Shirodkar.

6. By Revocation of POA dated 17.07.2018, Mrs. Siddhi S. Shirodkar w/o Mr. Sandeep Shirodkar (the respondent herein) has removed and cancelled all powers and authorities given by her to Mr. Sandeep K. Shirodkar. It is further declared that all the powers given by Power of Attorney dated 30.05.2012 and 25.08.2016 or any other POA executed regarding the said property shall not be deemed to be my acts nor done in my name or on my behalf, after the execution of the present deed of revocation of POA dated 17.07.2018.
7. By Order dated 26.03.2021 in case no. 3/RERA/Complaint(118)/2020/173 between the applicant and respondent herein a penalty of ₹5,00,000/- was imposed on the promoter (the respondent herein).
8. By Order dated 03.11.2022 in case no. 3/RERA/Completed project (834)/2021/807 in the case of the applicant Mrs. Siddhi S. Shirodkar, it is noticed that promoter Mrs. Siddhi S. Shirodkar has applied for registration of the same project Varadhraj Greens. In the said Order, the Authority has held that in this case Shri Sandeep Shirodkar (the respondent herein) was made party as promoter of the project whereas in this case his wife Mrs. Siddhi Shirodkar has made an application for registration who is the owner of the land. Irrespective of the promoter and owner, the fact remains that project is the same and Order has already been passed by this Authority dated 23.06.2021 and a fine of ₹5,00,000/- have been imposed. Before registration of the project,

Penalty of ₹5,00,000/- has to be paid by the applicant (Mrs. Siddhi S. Shirodkar) as decided in earlier case.

9. Section 2(zk) of The Real Estate (Regulation and Development) Act, 2016 which defines what "Promoter" means -

"2. (zk) "promoter" means,—

- (i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or
- (ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or
- (iii) any development authority or any other public body in respect of allottees of—
 - (a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the Government; or
 - (b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or



- (iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or
- (v) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale; or
- (vi) such other person who constructs any building or apartment for sale to the general public.


Explanation.-For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;”

10. Taking into consideration all the above facts, circumstances and provision of the Act, this Forum is of the considered view that Mrs. Siddhi S. Shirodkar who is the owner of the property and the project Varadharaj Greens who has also revoked the Power of Attorney given to Sandeep Shirodkar and has also filed the application for registration of the said project is a necessary party in the



present proceedings who is required to be heard in the present matter in order to effectually decide and dispose of the present proceedings.

11. Accordingly, an opportunity is given to the applicant Ms. Vanshika Rane to amend the cause title of the present proceedings and to add Mrs. Siddhi S. Shirodkar having office at RadahKrishna Nivas, Nr. 1st PWD water tank, New Vaddem, Vasco da Gama, Goa, as party respondent No. 2, within 07 days upon which a notice shall be issued to the said newly added party who shall be heard in the matter. The applicant shall furnish on record copy of claim in Form 'B' along with documents relied upon for service on the newly added respondent.


22/12/2022
(Ashley L.C. Noronha)
Adjudicating Officer,
Goa RERA