



# GOA REAL ESTATE REGULATORY AUTHORITY

DEPARTMENT OF URBAN DEVELOPMENT

GOVERNMENT OF GOA

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

www.rera.goa.gov.in

Tel: 0832-2437655; e-mail: goa-rera@gov.in

No.3/RERA/Complaint (7)/2018/967

Date: 15/12/2022

**Ms. Deepti Agarwal,**

B-210, 3<sup>rd</sup> floor,

C.R. Park, Delhi,

South Delhi, 110019.

.....Complainant

*Versus*

**Isprava Vesta Private Limited,**

42 A, Impression House,

G D Ambedkar Marg, Kohinoor Mill,

Wadala, Mumbai City,

Maharashtra, 400031.

.....Respondent

## **ORDER**

**(Dated 15.12.2022)**

Ms. Deepti Agarwal filed the complaint dated 09.05.2018 against 'Isprava Vesta Private Limited' (hereinafter referred as 'promoter') for non-registration of its project "Estate De Alta Palmeira" as per Section 3 of The Real Estate (Regulation and Development) Act 2016 (hereinafter referred to as 'the RERA Act'). A notice dated 06.07.2018 was issued to the promoter by Goa RERA calling for reply within 10 days. The promoter filed the reply dated

13.07.2018 wherein the charges levelled against the promoter were denied. Again, by a notice dated 09.09.2022, the promoter was directed to furnish the details of the property. An opportunity of hearing was given to the promoter on 27.10.2022 and 07.12.2022. The respondent/promoter has further filed its reply dated 30.11.2022. On 07.12.2022 the day fixed for hearing, it was stated by the promoter that he has nothing to add more.

2. It is the case of the respondent that the project "Estate De Alta Palmeira" situated in Survey No. 25/18 of Village Chopdem, of Pernem Taluka Goa is not owned by the company "Isprava Vesta Private Limited" i.e. respondent. As per the respondent, the said property was purchased by Mrs. Sonia Prasad Bhandari, vide Deed of Sale dated 12.03.2018. Respondent has further stated that after the purchase of the said property, Mrs. Sonia Prasad Bhandari entered into an Agreement for Development dated 12.03.2018 with the company i.e. respondent to construct/ develop a stand alone Bungalow for his personal use. As per respondent, all the permissions for said villa were obtained by Mrs. Sonia Prasad Bhandari and respondent was only civil contractor for the same. The respondent has submitted the copy of Deed of Sale dated 12.03.2018 executed between Capricon Realty Limited and Mrs. Sonia Prasad Bhandari. Respondent has also submitted the copy of agreement dated 12.03.2018 executed between Mrs. Sonia Prasad Bhandari and M/s Isprava Vesta Private Limited i.e.

respondent. Both these documents i.e. Deed of Sale dated 12.03.2018 as well as Development Agreement dated 12.03.2018 are on record.

3. I have considered the case and gone through the records and proceedings. As per Section 2 (zk) of the RERA Act, the promoter has been defined as follows:-

"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

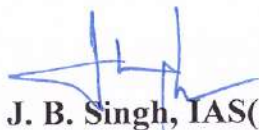
- (b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or
- (iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings 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.”

4. A mere reading of the above provision makes it clear that promoter is a person who undertakes the project of building construction for the purpose of sale. In this particular case, the land belongs to Mrs. Sonia Prasad Bhandari who has

given it to the respondent for the construction of a villa/bungalow. Respondent here is merely a civil contractor who has undertaken the construction under instruction of the owner. The construction of villa by respondent is not for the purpose of sale to third party but it is for the purpose of use of the owner. Hence, in this case, registration under Section 3 of the RERA Act is not attracted.

5. Under the circumstances, it is held that registration under section 3 of the RERA Act is not required in this case and hence further proceedings are dropped. Complaint dated 09.05.2018 is rejected herewith.

Order accordingly,

  
**J. B. Singh, IAS(Retd.)**  
Member, Goa RERA

**To,**

**1. Ms. Deepti Agarwal,**  
B-210, 3<sup>rd</sup> floor,  
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**2. Isprava Vesta Private Limited,**  
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