

Standard Operating Procedure

For Complaint registration/filing and hearing

The Authority has observed that the complaints of the stake holders are being handled as per provisions of section 31(1) and (2) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 6, Rule 7 and Rule 8 of the Goa Real Estate (Regulation and Development) (Recovery of interest, Penalty, compensation, fine payable, forms of complaints and appeal etc) Rules 2017. The Authority opined that the provisions in the existing Act and Rules are adequate to handle complaints before the Authority.

The Authority has decided as following:

- (a) As per the provisions, u/s 31(1) of the said Act, the complaints may be filed before the Authority or the Adjudicating Officer, by any aggrieved person as the case may be. As provided under said section, 'person' shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. Therefore, an association of allottees or any voluntary consumer association registered under any law that is in force, may be treated as one single person with applicable fee for one person on behalf of the association of allottees or voluntary consumer association provided the complaint as well as claims for relief of all the allottees of that association are similar in nature, otherwise, in case the complaint and claims for relief of individual member of the association are not similar in nature, under such circumstances individual complaints shall have to be filed with applicable fee by such members.

- (b)The Authority has already established the website and the forms, manner and the fees for filing complaints under sub section 1, has been already prescribed.
- (c)Once the online complaint is filed on website (www.goarera.gov.in) before the Authority as per the above provisions, the Authority will take up the complaint for further process.
- (d)After scrutiny of the complaint, the Authority would assign the complaint to the respective member of the Authority or to the adjudicating officer as the case may be, for the purpose of hearing and to pass appropriate order(s).
- (e) As soon as the complaint is assigned for hearing before the member of the Authority or Adjudicating Officer, notice may be issued to the complainant to appear in person or through duly authorized representative with copy of the complaint and the photocopies of all the documents relied upon by the complainant, for the purpose of serving the same to the respondent(s). The Authority has also decided to devise a common format for issuing notice to the complainant as well as the respondent. The notice may incorporate relevant details depending upon the circumstances to meet the requirements.
- (f) While hearing is going on, the complainant(s) or respondent(s) may file any additional documents/submissions/applications/replies etc. with the concerned Member of the Authority or Adjudicating Officer directly and inward submission will not be accepted. In case, if it is not possible to file directly with the Member or Adjudicating Officer, the same may be filed on the date of hearing.

- (g) The Member of the Authority/Adjudicating Officer may rely upon affidavit and notarized documents wherever felt necessary.
- (h) After hearing, the complaints are disposed by issuing appropriate Order(s) that are regularly uploaded on website (www.goarera.gov.in).



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