

## **Department of Urban Development**

Collectorate Building, Ground floor,  
Panaji-Goa- 403001

### **NOTIFICATION No.11/43/2017-DMA/15/71**

The following draft rules which the Government of Goa proposes to make in exercise of the powers conferred by sub-section (1) and clauses (oa), (r), (s), (u), (zb), (zc) and (zf) of sub-section (2) section 84 of the Real Estate (Regulation and Development) Act, 2016, (Central Act 16 of 2016) and all other powers enabling it in this behalf, are hereby published for information of all persons likely to be affected thereby; and notice is hereby given that said draft rules will be taken into consideration by the Government after the expiry of a period of ten days from the date of publication of this Notification in the Official Gazette.

All objections or suggestions to the said draft rules may be forwarded, either through e-mail viz “[goarera@gmail.com](mailto:goarera@gmail.com)”, or by post to the Secretary (UD), Department of Urban Development, Collectorate Building, Ground Floor, Panaji-Goa- 403001, before the expiry of said period of ten days so that they may be taken into consideration at the time of finalization of said draft Rules.

### **DRAFT RULES**

In exercise of the powers conferred by sub-section (1) and clauses (oa), (r), (s), (u), (zb), (zc) and (zf) of sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:-

**1. Short title and commencement.** -(1) These rules may be called the Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable Forms of complaints and Appeal etc.) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** -In these rules, unless the context otherwise requires,-

(a) “Act” means the Real Estate (Regulation and Development) Act, 2016 (Central Act No.16 of 2016);

(b) “Appellate Tribunal” means the Goa Real Estate Appellate Tribunal established under sub-section (1) of section 43 by the Government by notification in the Official Gazette;

(c) “Authority” means the Goa Real Estate Regulatory Authority established by the Government under the sub-section (1) of section 20;

(d) “Chairperson” means the Chairperson of the Authority;

(e) “Form” means the form appended to these rules;

(f) “Government” means the Government of Goa.

(g) “Section” means section of the Act;

(2) Words and expressions used and not defined in these Rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

**3. Manner of recovery of interest, penalty and compensation.** - Any interest or penalty or compensation imposed on a promoter or an allottee or a real estate agent shall be recoverable under section 40 of the Act, from such promoter or allottee or real estate agent, as the case may be, as an arrears of land revenue under the provision of the Goa Land Revenue Code, 1968 (Act No.9 of 1969).

**4. Manner of enforcement of the order, direction or decision of the Adjudicating Officer or Authority.** - Every order passed by the Adjudicating Officer, Authority or Appellate Tribunal which it is empowered to do under the Act or the rules and regulations made thereunder, shall be enforced by the Adjudicating Officer or Authority in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court. In the event such Adjudicating Officer or Authority is unable to execute the order, it shall send a copy of such order to the principal civil court, to execute such order either within the local limits of whose jurisdiction the real estate project is located or in the

principal civil court of original jurisdiction within the local limits of whose jurisdiction the person against whom the order is being issued, resides, or carries on business, or personally works for gain alongwith a certificate stating that such an order has not been executed by it.

**5. Terms and conditions and the fine payable for compounding of offence.-(1)**

The court may, for the purpose of compounding of any offence under section 70, accept a sum of money as specified in the Table below :-

**TABLE**

<b>Sr. No.</b>	<b>Offence</b>	<b>Sum of money to be paid for compounding the offence</b>
(1)	Offence under sub-section (2) of section 59	5 percent of the estimated cost of the real estate project which may extend upto 20 percent of such estimated cost.
(2)	Offence under section 64	5 percent of the estimated cost of the real estate project which may extend upto 10 percent of such estimated cost.
(3)	Offence under section 66	5 percent of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated, which may extend upto 10 percent of such estimated cost.
(4)	Offence under section 68	5 percent of the estimated cost of the plot, apartment or building, as the case may be, which may extend upto 10 percent of such estimated cost.

(2) On payment of the sum of money for compounding the offence as ordered by the Court, no further proceeding shall be taken against the accused person in

respect of the same offence, and any proceeding already taken or initiated shall stand abated and the accused person, if in custody, shall be discharged.

(3) The promoter, allottee or real estate agent, as the case may be, shall comply with the order of the Court within the period specified by the court.

**6. Manner of filing a complaint with the Authority and the manner of holding an inquiry by the Authority.-** (1) Any aggrieved person, having any interest in the project, may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder, save as those provided to be adjudicated by the Adjudicating Officer, as per Form 'A' in triplicate which shall be accompanied by a fee of rupees five thousand through NEFT or RTGS system or any other digital transaction mode :

Provided that, when the Authority makes a provision for filing a complaint online/web-based, it shall not be necessary to submit such form in triplicate.

(2) The Authority shall follow, the following procedure for the purposes of deciding any complaint filed under sub-rule (1):-

(a) Upon receipt of the complaint the Authority shall issue a notice alongwith particulars of the alleged contravention and the relevant documents to the respondent. Such notice shall specify a date and time for further hearing;

(b) In case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint.

(c) In case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it.

(d) On the date so fixed, the Authority shall require the applicant and respondent to give evidence or to produce any document which in the opinion of the Authority, may be useful for or relevant to the subject matter of the inquiry. Thereafter, the Authority shall have the power to carry out an inquiry on the basis of documents and submissions.

(e) The Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that,-

(i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder it shall pass orders, adjudging the quantum of compensation as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder with reasons to be recorded in writing ; or

(ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.

(f) If any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

**7. Manner of filing a complaint with the Adjudicating Officer and the manner of holding an inquiry by the Adjudicating Officer. -**(1) Any aggrieved person may file an Application in form “B” hereto with the Adjudicating Officer, for the purpose of adjudging compensation under section 12, 14, 18 or 19. The Application shall be accompanied by a fee of rupees five thousand paid through NEFT or RTGS system or any other digital transaction mode.

(2) The Adjudicating Officer shall follow, the following procedure for the purposes of deciding any Application filed under sub-rule (1): -

(a) The Adjudicating officer shall, - upon receipt of the Application issue a notice along with the copy of such Application and the relevant documents to the respondent. Such notice shall specify a date and time fixed for hearing of the case.

(b) In case the Adjudicating Officer is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint.

(c) In case the Adjudicating Officer is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it.

(d) On the date so fixed, the Adjudicating Officer shall require the applicant and respondent to give evidence or to produce any document which in the opinion

of the Adjudicating Officer, may be useful for or relevant to the subject matter of the inquiry. Thereafter, the Adjudicating Officer shall have the power to carry out an inquiry on the basis of documents and submissions.

(e) The Adjudicating Officer upon consideration of the evidence produced before it and other records and submissions is satisfied that,-

(i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder it shall pass orders, adjudging the quantum of compensation as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder with reasons to be recorded in writing ; or

(ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder the Adjudicating Officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.

(f) If any person fails, neglects or refuses to appear, or present himself as required before the Adjudicating Officer, the Adjudicating Officer shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

(g) The Adjudicating Officer shall before passing any order, consider the factors specified in section 72.

**8. Manner of service of notice and order.**-(1) Adjudicating Officer shall deliver a certified copy of the order to the complainant and respondent.

(2) A notice or an order issued under these rules shall be served in any of the following manner,—

(a) by delivering or tendering it to that person or person's authorised agent in an electronic form provided that there is sufficient evidence of actual delivery of the electronic record to the concerned person ; or

(b) by sending it to the person by registered post with acknowledgement due to the address of his place of residence or the last known place or residence or business place ; or

(c) if it cannot be served under clause (a) or (b) above, then by affixing it, in the presence of two witnesses, on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided, or carried on business or personally works or last worked for gain.

**9. Manner of filing Appeal to the Appellate Tribunal.**-(1) Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fee of rupees five thousand paid through NEFT or RTGS system or any other digital transaction mode.

(2) Every appeal shall be filed in Form “C” hereto in triplicate along with the following documents,-

(a) attested true copy of the order against which the appeal is preferred;

(b) copies of the documents relied upon by the appellant and referred to in the appeal;

(c) index of the documents :

Provided that, when the Authority makes a provision for filing a Appeal online/web-based, it shall not be necessary to submit such form in triplicate.

**FORM 'A'**

**[see rule 6]**

**COMPLAINT TO THE AUTHORITY**

(Complaint under section 31 of the Act)

For use of office :.....

Date of filing: .....

Date of receipt by post : .....

Complaint No. : .....

Signature :.....

Authorized Officer : .....

**BEFORE THE GOA REAL ESTATE REGULATORY AUTHORITY**

(Name of place)

Between

..... Complainant(s)

And

..... Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name of the complainant:

(ii) Address of the existing office/residence of the complainant:

(iii) Address for service of all notices:

2. Particulars of the respondents:



(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

3. (a) Jurisdiction of the Authority :

The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority.

(b) Project Registration No.

4. Facts of the case :

[give a concise statement of facts and grounds for complaint]

5. Relief(s) sought :

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) .....  
[Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

6. Interim order, if prayed for :

Pending final decision on the complaint the complainant seeks issue of the following interim order :

7. Complaint not pending with any other court, etc. :

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other Authority or any other Tribunal(s).

8. Particulars in respect of the fee in terms of sub-rule (1) of rule 6 :

(i) Amount

(ii) Mode

9. List of enclosures :

[Specify the details of enclosures with the complaint]

### **Verification**

I ..... (name in full block letters) son / daughter of ..... the complainant do hereby verify that the contents of paragraphs [1 to 9] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place :

Date :

Signature of the complainant(s)

**FORM “B”**

[see rule 7]

**APPLICATION TO ADJUDICATING OFFICER**

(Claim for compensation under section 12,14,18 and or 19 read with section 71 of the Act )

For use of office : .....

Date of filing : .....

Date of receipt by post : .....

Application No. : .....

Signature : .....

Authorized Officer : .....

**BEFORE THE ADJUDICATING OFFICER**

Between ..... Applicant(s)

And

..... Respondent(s)

Details of claim :

1. Particulars of the applicant(s) :

(i) Name of the applicant :

(ii) Address of the existing office / residence of the applicant :

(iii) Address for service of all notices :

(iv) Details of allottees apartment, plot or building

2. Particulars of the respondents :

- (i) Name(s) of respondent :
- (ii) Office address of the respondent :
- (iii) Address for service of all notices :
- (iv) Registration No. and address of project :

3. (a) Jurisdiction of the Adjudicating Officer :

The applicant declares that the subject matter of the claim falls within the jurisdiction of the adjudicating officer.

(b) Project Registration No.

4. Facts of the case :

(give a concise statement of facts and grounds of claim against the respondent)

5. Compensation(s) sought :

In view of the facts mentioned in paragraph 4 above, the applicant prays for the following compensation(s) .....  
[Specify below the compensation(s) claimed explaining the grounds of claim(s) and the legal provisions (if any) relied upon]

6. Claim not pending with any other court, etc.:

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of Law or any other Authority or any other Tribunal(s).

7. Particulars of the fee in terms of sub-rule (1) of rule 7:

- (i) Amount
- (ii) Mode

8. List of enclosures :

(Specify the details of enclosures with the application)

**Verification**

I ..... (name in full block letters) son /daughter of ..... the applicant do hereby verify that the contents of paragraphs (1 to 8) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place :

Date :

**FORM “C”**

**(see rule 9)**

**APPEAL TO APPELLATE TRIBUNAL**

For use of Appellate Tribunal’s office: .....

Date of filing : .....

Date of receipt by post : .....

Registration No. : .....

Signature: .....

Authority Officer: .....

**IN THE GOA REAL ESTATE APPELLATE TRIBUNAL (Name of place)**

Between

..... Appellant(s)

And

..... Respondent(s)

Details of appeal :

1. Particulars of the appellants :

(i) Name of the appellant :

(ii) Address of the existing office / residence of the appellant :

(iii) Address for service of all notices :

2. Particulars of the respondents :

- (i) Name(s) of respondent :
- (ii) Office address of the respondent :
- (iii) Address for service of all notices :

3. (a) Jurisdiction of the Appellate Tribunal :

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

(b) Project Registration No :

4. Limitation :

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44

OR

If the appeal is filed after the expiry of the limitation period specified under sub-section (2) of section 44 specify reasons for delay .....

5. Facts of the case :

(give a concise statement of facts and grounds of appeal against the specific order of the Authority or the Adjudicating Officer, as the case may be passed under section(s) ..... of the Act.

6. Grounds of Appeal :

7. Relief(s) sought :

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) .....  
[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

8. Interim order, if prayed for :

Pending final decision on the appeal, the appellant seeks issue of the following interim order :— (Give here the nature of the interim order prayed for with reasons)

9. Matter not pending with any other court, etc. :

The appellant further declares that the matter regarding which this appeal has been made, is not pending before any court of law or any other Authority or any other Tribunal(s).

10. Particulars of the fee in terms of sub-rule(1) of rule 9:

(i) Amount

(ii) Mode

11. List of enclosures:

(i) An attested true copy of the order against which the appeal is filed

(ii) Copies of the documents relied upon by the appellant and referred to in the appeal

(iii) An index of the documents

**Verification**

I ..... (name in full block letters) son/ daughter of ..... the appellant do hereby verify that the contents of paragraphs (1 to 10) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place :

Date:

Signature of the appellant (s)

By order and in the name of the  
Governor of Goa

**(J.Ashok Kumar, IAS)**  
Director & Ex- Officio Addl. Secretary  
(Urban Development) to Government

Dated: -31<sup>st</sup> August, 2017.

To, The Director, The Government Printing Press, Panaji Goa with a request to publish the same in the **Extra-ordinary Official Gazette on 31<sup>st</sup> August, 2017, 2017.**

**Copy to:** -The Secretary (UD), Secretariat, Porvorim- Goa.