



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.63 OF 2026
WITH
CIVIL APPLICATION (REVIEW) NO.2 OF 2026**

MISC.CIVIL APPLICATION NO.63 OF 2026

RYAN WALTER FERNANDES THR. POA
HERCULANO WILLIAM FERNANDES ... APPLICANT

Versus

NOVA CIDADE RESIDENTIAL CO-OP.
HOUSING MAINTENANCE SOCIETY LTD.,
THR SEC. FERDINANDO NOROHNA ... RESPONDENT

**WITH
CIVIL APPLICATION (REVIEW) NO.2 OF 2026
IN**

WRIT PETITION NO.222 OF 2024

RYAN WALTER FERNANDES THR. POA
HERCULANO WILLIAM FERNANDES ... APPLICANT

Versus

NOVA CIDADE RESIDENTIAL CO-OP.
HOUSING MAINTENANCE SOCIETY LTD.,
THR SEC. FERDINANDO NOROHNA ... RESPONDENT

Mr. Dharmanand R. Vernekar, Advocate (though V.C.), Advocate for the
Applicant.

CORAM:- VALMIKI MENEZES, J.

DATED :- 5th February, 2026

ORAL ORDER:

1. Registry to waive objections and register the miscellaneous civil application and the review application.
2. The miscellaneous civil application is an application for condonation of delay in filing the Review Application to review this

Court's Order dated 03.07.2024. I have considered the merits of the review application, only to test whether there is really a case made out for review of the Order on the touchstone of error apparent on the face of the record. On going through the Order sought to be reviewed, the only ground raised is that this Court has based its judgment on the wrong understanding of Chapter IX and more specifically, Rule 133 of the Goa Co-operative Societies Rules, 2003.

3. It is the Petitioner's contention that the Society, in the present case, is not a Housing Co-operative Society but is a Maintenance Co-operative Society, which is not empowered to charge non-occupancy charges under Rule 133, which applies only to Housing Societies. What is sought to be done is for the entire Petition to be reviewed, without pointing out errors apparent on the face of the record. This Court has taken a view interpreting these provisions, and if such a view, according to the Petitioner, is an incorrect view, the only option open to the Petitioner is to challenge the Order in Appeal. This cannot be a ground for review of this Order. On this count alone, the Review Application will have to be dismissed.

4. Considering this position, no purpose would be served in issuing notice to the Respondent on the application sought to be condoned today. Consequently, the Miscellaneous Application No.63 of 2026 is dismissed.

5. As a consequence of the dismissal of the application for condonation of delay, the Civil Review Application No.2 of 2026 also stands dismissed.

VALMIKI MENEZES, J.