

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 144 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

**Shree Bhalchandra Developers &
Siddhi Developers**

... Respondent-Promoter

Project – SADGURU PARK (UNREGISTERED)

Appearance :- Adv. Harshad Nanaware

ORDER

31ST JULY, 2025

(Through Video Conferencing)

1. MahaRERA has come across that the Respondents-Promoters have published an advertisement in the form of "Pamphlet" of a real estate project under the name and style as "SADGURU PARK", located at village Koregaon-Bhima, District Pune. After perusing the record of MahaRERA, it has been noticed that the said real estate project is not registered with MahaRERA under the provisions of Section 3 of the "RERA".
2. Therefore, in pursuance of delegation of powers in the name of undersigned by the MahaRERA Authority by its Office Order No.MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16th January, 2025, a show-cause notice, dated 11.07.2024 was issued to the Respondents-Promoters calling upon to show cause as to why penalty under Section 59 of the RERA should not be imposed upon them.
3. In response to the said show cause notice, the promoters-respondents have filed their reply through Adv. Harshad Nanaware on 27.09.2024. However, later on the respondents-promoters through Mr. Abhijeet Satav filed another reply, dated 17.10.2024

along with purshis, dated Nil. The said reply and purshis has been forwarded through email, dated 18.10.2024. It has been contended in the purshis by the respondent-promoter that the earlier reply was filed without sufficient instructions and does not concern the main issue involved and hence withdraws/not press the reply filed earlier.

4. In view of said purshis, the earlier reply filed on 27.09.2024 is not considered herewith as reply of the respondents. In the later reply filed by the respondents-promoter dated 17.10.2024, it has been contended that till date the respondents have not marketed or sold any of the plots in the said scheme. It is also contended that the intention of the respondents is not to sell the said plots and as on today the said scheme "Sadguru Park" is not in existence. It is further contended that due to an inadvertent mistake the said advertisement came to be issued, it was only conceptual and that due to some error the same got published. The respondents-promoters have contended that the said mistake was unintentional and without any knowledge of respondents. It is contended on behalf of the promoters that the respondents have no any intention to launch, market and develop the said scheme and thus registering the said scheme with MahaRERA does not remain an issue to be dealt with.
6. Adv. Harshad Nanaware appeared on behalf of the respondents-promoters and has reiterated the contentions made out by the respondents in their reply. Adv. Nanaware submits that the respondents-promoters have not sold any of the plots till today and closed the said project and now the said project is not in existence.
7. Perused the impugned advertisement. The name of the promoter and name of the project has been mentioned in the impugned advertisement. The location of the project is also mentioned at village Koregaon. It has been mentioned that the

project is of commercial, residential and farm house plotting having plots of 1000 to 11000 sq. fts. The landmark is also mentioned as Koregaon Bhima-Vaduh Road touch, Fadtare Vasti, Near H.P. Petrol Pump. Contact Numbers and office address of the respondents-promoter is also given. Furthermore the QR Code for location is also mentioned. No Project Registration Number is mentioned in the impugned advertisement.

8. Section 3 of the Act 2016 mandates prior registration of real estate project with Real Estate Regulatory Authority. The said Section 3 reads as under :-

"3.(1) – No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act;

9. In his reply, the respondent has tried to draw attention of this Authority by quoting the definition of 'real estate project', as envisaged in Section 2(zn) of the RERA. It includes "development of land into plots, for the purpose of selling all or some of it". The advertisement in question definitely relates to development of land into plots, for the purpose of selling it all or some of it. Therefore, I am of the opinion that the advertisement in question is definitely of a real estate project. The picture also shows that there are open plots having bungalows on it.

10. The definition of Section 2(c) of the Act pertains to 'advertisement'. It means any document described or issued as advertisement through any medium and includes any notice, circular or other documents publicity in any form, informing persons about a

real estate project, or offering for sale of a plot, building or apartment or to make advances or deposits for such purposes."

11. The impugned advertisement definitely aims ^{at} marketing of the plots in the project in question, as envisaged in Section 3 of the RERA. The impugned advertisement also offers the plots in the said projects and invites persons to purchase a plot in the said project. The said project is not registered with MahaRERA as mandatory vide Section 3 of the Act. In the present case, the respondents-promoters have not denied to have published the impugned advertisement. On the contrary, the respondents-promoters have contended that it was an inadvertent mistake and it was only conceptual and that due to some error the same got published. The advertisement is in the form of 'pamphlet' or 'leaflet' and it has been circulated amongst the public. Therefore, it establishes that the promoter had published an advertisement without registering the project with MahaRERA.
12. Therefore, considering the contentions raised out by the respondents-promoters in their reply and the advertisement on record, it is proved that this promoter had published an advertisement so as to sell the plots they are developing. It is also proved that the impugned project was/is not registered with MahaRERA. Therefore, taking into consideration the facts and circumstances of the present case and the aforesaid legal provisions, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.
13. Section 59 of the Act provides punishment of penalty which may extend up to ten per cent of the estimated cost of the real estate project, as determined by the Authority, if any promoter contravenes the provisions of Section 3 of the Act. Since the real estate project in question is not registered with MahaRERA, data regarding its estimated cost is not available with this office. However, considering

the spirit of the provision of Section 59 of the RERA, the following order is passed.

ORDER

- (a) The impugned advertisement issued by the respondents-promoters is in clear violation of Section 3 of the RERA.
- (b) The respondents-promoters shall pay penalty of Rs. 25,000/- within 15 days from the date of passing this order, failing which the promoters shall be liable to pay additional penalty of Rs. 1000/- per day till the date of compliance of this order.
- (c) The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any application by promoters for registering the said project under any name.
- (d) The matter is disposed off accordingly.



Pune
Date :- 31.07.2025

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY, MAHARERA
PUNE