

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 145 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

**Shivshambho Properties & Developers .. Respondent-Promoter
Project – Jogeshwari Park (UNREGISTERED)**

Appearance :- Absent

ORDER

31ST JULY, 2025

(Through Video Conferencing)

1. MahaRERA has come across that the Respondent-Promoter has published an advertisement in the form of "Pamphlet" of a real estate project under the name and style as "JOGESHWARI PARK", located at village Kesnand, Tal. Haveli, 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 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 Respondent-Promoter calling upon to show cause as to why penalty under Section 59 of the RERA should not be imposed upon him.
3. The show cause notice has been served upon the Respondent-Promoter through post and the track consignment report of Consignment Number EM353136184IN has been obtained from the portal of Indian Postal Department. The Respondent-Promoter though served with the show cause notice, failed to file his reply.

4. This Office has therefore, issued notice of hearing, dated 19.08.2024 and the promoter was called to attend the hearing on 06.09.2024. However, the respondent-promoter remained absent on the said date. Therefore, again on 06.09.2024 notice of hearing was issued to the respondent-promoter calling upon him to attend the hearing on 27.09.2024. On 27.09.2024 also the respondent remained absent. In order to give one more opportunity of hearing to the respondent, notice of hearing was again issued to the respondent and matter was adjourned to 15.10.2024. The respondent still failed to appear and defend the matter. The matter was time to time adjourned and sufficient opportunity of being heard was given to the respondent-promoter, but the respondent-promoter failed to appear and defend the matter. Therefore, today the matter is being decided exparte against the respondent-promoter.
5. Perused the impugned advertisement. The name of the promoter and name of the project has been mentioned in it. The location of the project is also mentioned at village Kesnand. The project is of plotting having plots of 1 Guntha to 11 Gunthas. Booking amount of Rs. 51,000/- has also been mentioned. The advertisement mentions that a facility of daily free Site Visit from Chandannagar Bye-pass will be available for the interested buyers and it also mentions the office address and mobile number of the Respondent-Promoter. No Project Registration Number is mentioned in the impugned advertisement.
6. 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;


7. Thus the provision of Section 3 of the Act makes it clear that the promoter is under obligation not to advertise, market, book, sell or offer for sale or invite persons to purchase any plot etc. without registering the real estate project with MahaRERA. However, in the present case, promoter had published an advertisement without registering the project with MahaRERA. In spite of service of show cause notice, notices of hearing and sufficient opportunity of being heard given to the respondent-promoter, he failed to appear in the matter. Consequently, there is no any document on record to show that the present project is exempted from RERA Registration as being stated in the advertisement that this promoter has/had received N.A. permission from Competent Authority. In view of such facts on record, it can be said this promoter has violated the provision of Section 3 of the Act of 2016.
8. In this matter, it is proved that this promoter had published an advertisement so as to sell the plots he is 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 failing the promoter to appear and defend his case despite sufficient opportunity of being heard given to him, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.
9. 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. As such penal action cannot be taken on the basis of the advertisement.

10. MahaRERA Authority has issued SOP wherein certain guidelines have been issued in respect of the matters where the advertisement of an unregistered project has been issued and in case the promoter fails to attend the suo-motu advertising hearing or submit land documents as required, then , firstly a written communication be sent to the concerned Planning Authority for not granting additional authorization within the project until such time the project is duly registered with MahaRERA Authority, and secondly letter to be sent to the Registration and Stamp Office for abstaining from registering any sale agreements within the said project, until such time as the project is duly registered with MahaRERA Authority.
11. In view of the above, the following order is passed.

ORDER

- (a) The impugned advertisement issued by the promoter is in clear violation of Section 3 of the RERA.
- (b) A written communication be sent to the concerned Planning Authority as to not to grant any additional authorization within the project until such time the project is duly registered with MahaRERA Authority.
- (c) A letter be sent to the Registration and Stamp Office as to abstain from registering any sale agreement within the said project, until such time as the project is duly registered with MahaRERA Authority.
- (d) The matter is disposed off accordingly.

Pune
Date :- 31.07.2025


(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY, MAHARERA
PUNE