

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 12 OF 2023**

MahaRERA on its own Motion Complainant

Versus

Piyush Bhaishree Estate Respondent/ Promoter

**MahaRERA Project Registration No. – Unregistered with
MahaRERA**

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

Adv. Anil Malani appeared for the respondent/ promoter.

ORDER

28th July 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D)Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority had issued a show cause notice dated 21/06/2023 to the promoter above named for publishing an advertisement dated 11/06/2023, in the Lokmat, Ch.Sambhaji Nagar Newspaper, without

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 12 OF 2023**

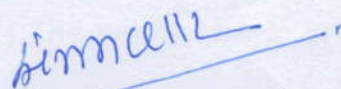
mentioning the MahaRERA project registration number, in regard to the project, situated at Beed bypass road, Ch. Sambhaji Nagar.

3. The promoter, by its reply dated 08/07/2023 to the said show cause notice dated 21/06/2023 had submitted that after making all the compliances with the the planning authority, and completing the infrastructure development work on site only, the advertisement of the aforesaid project had been issued in Daily Lokmat Newspaper dated 11/06/2023. Promoter further submitted that the aforementioned project has already been received NA use order dated 09/03/2022 from upper Tahsildar, Aurangabad and also completion certificate dated 22/09/2023 from CIDCO, New Aurangabad and therefore there is no question of registering the project under MahaRERA before advertisement. Promoter further submitted that a similar view was taken by the The Maharashtra Real Estate Regulatory Authority, Mumbai in Suo Motu Advertisement case no 32/2023 MahaRERA on its motion v/s Vaishnavi Realty judgement dated 26.04.2023 and Suo Motu Advertisement case no 30/2023 MahaRERA on its motion v/s Sanmitra Developers judgement dated 26.04.2023
4. In this regard, a hearing was scheduled on 28/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
5. During the hearing, the promoter submitted that the Project has already been converted to Non-Agricultural use, the final sanctioned and the physical infrastructure work completed and obtained completion as well as Sale NOC from CIDCO i.e. Planning Authority and as the said project developed completely, the question of registration under MahaRERA of the aforementioned project does not arise before the advertisement.
6. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 12 OF 2023**

"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. From the plain reading of the Section 3, the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA. However, in the present case, the Promoter had published a full page advertisement dated 11/06/2023 in the Lokmat newspaper without registering the said project with MahaRERA.
8. However, since the said project is being a plotted development and NA order being obtained on 09/03/2022 and completion certificate on 22/09/2022 before the advertisement of the aforementioned project, the promoter is not in violation of section 3 of the Act 2016.
9. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)

**Dy. Secretary,
MahaRERA, Nagpur.**