

**SUO MOTU ADVERTISEMENT /  
NAGPUR/ CASE NO. 13 OF 2023**

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY  
AUTHORITY, NAGPUR**

**SUO MOTU ADVERTISEMENT CASE NO. 13 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shivshankar Park

.... Respondent/ Promoter

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

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

Adv. Anand Mamidwar appeared for the respondent/ promoter.

**ORDER**

29<sup>th</sup> August 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



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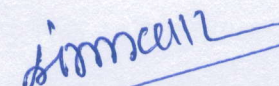
mentioning the MahaRERA project registration number, in regard to the project, situated at Mauza Palashi, Ch. Sambhaji Nagar.

3. The promoter, by its reply dated 05/07/2023 to the said show cause notice dated 21/06/2023 had submitted that after making all the compliances with 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. The promoter further submitted that the aforementioned project has already been received NA use order dated 12/09/2022 from collector, Aurangabad and development work permit dated 06/12/2022 from AMRDA and as per the circular No.25/2019 dated 11/10/2019 issued by MahaRERA, if the land is N/A for plotted development then registration is not necessary.
4. In this regard, a hearing was scheduled on 10/08/2023 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. After hearing the submission, the proceeding had been adjourned to next the date for submission of supporting documents.
5. Accordingly, a hearing was scheduled on 29/08/2023 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.
6. During the hearing, the promoter submitted that the Project has already been converted to Non-Agricultural use dated 12/09/2022, The promoter further submitted that the aforesaid advertisement was published on 11/06/2023 post receiving the NA order.
7. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:  
***"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."***

8. From the plain reading of 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.
9. However, since the said project is being a plotted development and NA order being obtained on 12/09/2022 and being developed as per AMRDA Final Permit dated 06/12/2022 and development work completion certificate being received on 13/01/2022 before the advertisement of the aforementioned project, the promoter is not in violation of section 3 of the Act 2016.
10. In view of the above, the present case stands closed.

  
(Sanjay Bhimanwar)  
**Dy.Secretary,  
MahaRERA,Nagpur.**