

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY  
AUTHORITY, NAGPUR  
SUO MOTU ADVERTISEMENT CASE NO. 16 OF 2023**

MahaRERA on its own Motion .... Complainant  
Versus

R F Land Developers .... Respondent/ Promoter

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

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

No one appeared for the respondent/ promoter.

**ORDER**

10<sup>th</sup> October 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 07/07/2023 to the promoter above named for publishing an advertisement through pamphlet/Flyer dated 27/06/2023, in regard to the projects situated at



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Mauza Mendhepathar, Sawali, Nara and Suradevi, Dist. Nagpur without registering the same with MahaRERA which is in violation of section 3 of the Act -2016.

3. The promoter, by its reply dated 27/07/2023 to the said show cause notice dated 07/07/2023 had submitted that the information of the aforementioned project for the advertisement had been given in last year. The promoter further submitted that the flyers for the projects situated at Mauza Mendhepathar, Sawali, Nara and Suradevi, Dist. Nagpur had been distributed by some unknown person without promoter's knowledge for which promoter sought an apology. The promoter further submitted that presently all their upcoming projects are under the process of MahaRERA registration.
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 remained absent. Hence, in compliance with the principle of natural justice, the hearing was adjourned to the next date for final order. Accordingly, in this regard, a hearing was scheduled at 10/10/2023 through video conferencing when promoter failed to appear even though the notice of hearing and the link of hearing was duly served upon the promoter.
5. 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."***

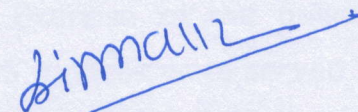
6. From the plain reading of Section 3, the Promoter is under obligation not to



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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.

7. In the present case, the Promoter had published an advertisement dated 27/06/2023 through pamphlet/flyer without registering the said project with MahaRERA. However, it has been observed that the promoter has neither submitted MahaRERA registration numbers of the aforesaid projects nor started the process of registration of the aforesaid projects till date. Thus, it has been established that the promoter has advertised the aforesaid project without fulfilling the requisite registration process with MahaRERA for the advertised projects. Hence, the promoter is in violation of section 3 of the Act- 2016.
8. Therefore, it is hereby directed that a written communication be sent to the Planning Authority, for the purpose of ascertaining whether the Promoter has obtained any requisite authorization for the aforementioned project, and no additional authorization shall be granted for the said project until such time as the aforementioned project has been duly registered with MahaRERA. Moreover, it is directed that the Registration and Stamp Office shall be instructed to abstain registering any sale agreements within the said project, until such time as the project is duly registered with MahaRERA Authority, in accordance with the stipulations outlined in the said Act.
9. In view of the above, the present case stands closed.

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