

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 17 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Mauli Infra / K S Shreeya Infrastructure Pvt. Ltd

.... Respondent/
Promoter

**MahaRERA Project Registration No. – P50500031387;
P50500032188; P50500031522 P50500031400; P50500032353 and
P50500032171**

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

Adv. A.R.Kolhe appeared for the respondent/ promoter.

ORDER

10th 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 19/04/2023 to the promoter above named for publishing an advertisement

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dated 19/04/2023, in the form of brochure/flyer, in regard to the project, Mauli Nagar 9, situated at Nagpur without registering the same with MahaRERA which is in violation of section 3 of the Act-2016

3. The promoter had failed to reply to the said show cause notice dated 19/04/2023 within the time period mentioned in the said show cause notice.
4. In this regard, a hearing was scheduled on 18/08/2023 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 sought adjournment for filing its written submissions. Hence, the proceeding had been adjourned to the next date for written submission with supporting documents. Accordingly, the promoter had made written submission with supporting documents on 23/08/2023.
5. The Promoter, by its written submission had submitted that the Mauli Nagar 9 comprises in six sectors namely Mauli Nagar 9 Sector A; Mauli Nagar 9 Sector B; Mauli Nagar 9 Sector C; Mauli Nagar 9 Sector D; Mauli Nagar 9 Sector E; Mauli Nagar 9 Sector F and each sector is duly registered with the MahaRERA having registration nos.- P50500031387; P50500032188; P50500031522 P50500031400; P50500032353 and P50500032171 respectively. The promoter further submitted that the aforesaid projects are successful completed with Release Letters (RL) received from the Nagpur Metropolitan Region Development Authority (NMRDA) on various dates.
6. In this regard, a hearing was scheduled on 10/10/2023 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.
7. During the hearing, the promoter submitted that the aforementioned Projects have already been registered with MahaRERA and completed with release letters received from the Nagpur Metropolitan Region Development

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authority (NMRDA) on various dates such as
13/04/2022,26/04/2022,13/03/2023.

8. 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."

9. In the present case, it has been established that the aforesaid project Mauli Nagar 9 is not a single plotted development, but it is Mauli Nagar- 9(Sector A to F) comprised in six sectors and each sector is a plotted development and is duly registered with MahaRERA and has also been received with the completion certificate from NMRDA. Hence, 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

(Sanjay Bhimanwar)

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