

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.48 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Paranjape Properties  
'Sathe Colony, Subhash Nagar'  
Unregistered Project

.... Respondent

**Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head**

Appearance :- Mr. Sourabh Paranjpe for promoter.

**ORDER**

21<sup>st</sup> July, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on 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 the provision of Section 3 by the promoter and to impose penalty under Section 61 of the Act for contravention of Section 11(2) of the Act. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. Partner Mr. Sourabh Paranjpe appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the daily newspaper 'Maharashtra Times', dated 12.04.2023 without mentioning the MahaRERA Registration number, in regards to the project situated at Sathe Colony, near Subhash Nagar, Pune has been published. On going through the record of MahaRERA Authority, it has been noticed that the said project is not registered with MahaRERA. Therefore, by show-cause notice, dated 25.04.2023, the Respondent-Promoter was called to show cause

as to why penal action under Section 59 of the said Act should not be initiated against him. The promoter filed his reply on 09.05.2023. The notice of hearing, dated 14.07.2023 was issued to the promoter and promoter was asked to attend virtual hearing before this Authority on 21.07.2023. Promoter Mr. Sourabh Paranjpe appeared in the matter.

3. The promoter by his reply, dated 09.06.2023, has admitted that he has published advertisement in the "Maharashtra Times" newspaper regarding this project. However, he has contended that the land on which said project is being carried out is admeasuring 292.60 Sq. Mtrs. and the number of apartments are four only and therefore, as per Section (3)(2)(a) of the Act of 2016, the said project is exempted from registration. In support of his contentions, the promoter has furnished on record, copy of property card and sanctioned plan of the project. He has further submitted that as per Section 3(2)(a) of the Act, "no registration of the real estate project shall be required – where the area of the land proposed to be developed does not exceed five hundred square meters or the number of apartment proposed to be developed does not exceed eight inclusive of all phases.

4. Perused the reply filed by the promoter along with copy of the property card and sanctioned plan. Heard promoter Mr. Sourabh Paranjpe. He has reiterated the contentions raised out in the reply filed by him. He has argued that since the area of the land on which the project is being constructed as well as the number of apartments are less than as prescribed under Section 3(2)(a) of the Act of 2016, there is no violation of Section 3 of the RERA Act and hence no penalty can be imposed on the promoter under Section 59 of the Act, 2016.

5. At this stage, it is apt to reproduce Section 3(2)(a) and Section 59 of the Act 2016, which are as follows :-



**Section 3 (2)(a) reads as under :-**

**3. (2) "Notwithstanding anything contained in sub-section (1) no registration of the real estate project shall be required –**

**(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed, does not exceed eight, inclusive of all phases.**

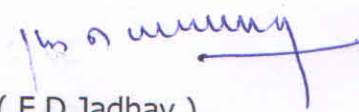
**Section 59 reads as under :-**

**"If any promoter contravenes the provisions of Section 3, he shall be liable to a penalty, which may extend up to ten per cent of the estimated cost of the real estate project, as determined by the Authority."**

6. Perused property card of C.T.S. No. 1315, Shukrawar Peth, Pune and the plan sanctioned by Pune Municipal Corporation. Property Card clearly indicates that area of the plot is 292.60 sq. mtrs. and sanctioned plan shows that only 4 units are sanctioned. These facts unequivocally shows that this case squarely falls within the four corners of Section 3(2)(a) of the Act 2016 and thus there is no need to register this project under the provisions of RERA.

7. In other words, it can be said Section 3(2)(a) of the Act of 2016 exempts the project from registration of which the area of the land is below 500 sq. mtrs. or the number of apartments proposed to be developed does not exceed eight, inclusive of all phases. Since in this matter, the area of the land proposed to be developed is only 292.60 sq. mtrs. and number of apartments proposed to be developed are four only, I am of the view that this case squarely falls within the provision of Section 3(2)(a). Thus there is no any violation of Section 3 of the Act of 2016. Consequently, this is not a fit

case to impose any penalty on the promoter under Section 59 of the Act of 2016. The case is disposed off accordingly.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune