

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.61 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Gorakhnath Tawade

.... Respondent

Rajlaxmi Nagar.

Unregistered Project.

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

Appearance :- Absent

ORDER

25th August, 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 etc. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. But promoter remained absent though reasonable opportunity of being heard is given to him.
2. It has been noticed by the MahaRERA Authority that an advertisement in daily newspaper 'Lokmat', dated 07.06.2023 of the real estate project by name, "RAJLAXMI NAGAR", situated at Opp. Dental College, Near Rajlaxmi Mangal Karyalaya, Pathari Road, Parbhani has been published. The said advertisement is silent as to whether the said real estate project is registered or not with MahaRERA. Therefore, on going through the record of MahaRERA, it has been found that the project of the

Respondent is not registered with MahaRERA, as mandatory under Section 3 of the Act 2016. Therefore, by Show Cause Notice, dated 28.06.2023, the Respondent-Promoter was called upon to show cause as to why penal action under Section 3 r.w. 59 of the said Act should not be initiated against him. However, promoter has failed to file his reply to said show cause notice. Notice of hearing, dated 01.08.2023 was issued to the Respondent-promoter on the email id provided by the partner of the respondent viz. Munwar Khan and directed to attend the virtual hearing on 08.08.2023. However, the promoter remained absent on the date of hearing and therefore, the matter was adjourned to 18.08.2023 and 25.08.2023. In spite of sufficient opportunity of being heard is given, the promoter remained absent. Therefore, this Authority proceeded further to pass the order in the matter.

3. Perused the advertisement. It is related to the plotted project "RAJLAXMI NAGAR" situated Opp. Dental College, near Rajlaxmi Mangal Karyalaya, Pathari Road, Parbhani Pune containing N.A. Plots and the people are invited for booking in the said project.

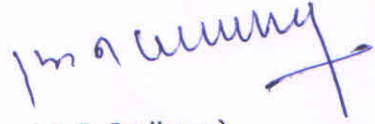
4. Section 3 of the Act 2016 deals with prior registration of real estate project with Real Estate Regulatory Authority. The said Section 3 reads as under :-

"3.(1) – 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;

5. From the plain reading of Section 3, it is clear that the promoter is under obligation not to advertise, market, book, sell or offer for sale or invite persons to purchase any plot etc. without registering real estate project with MahaRERA. However, in the present case, promoter had

published an advertisement without registering the project with MahaRERA. Therefore, it can be said this promoter has violated the provision of Section 3 of the Act of 2016.

6. In this matter, it is proved that this promoter had published advertisement in the newspaper Lokmat on 07.06.2023. It is also proved that the impugned project was/is not registered with MahaRERA. Therefore, taking into consideration the facts and circumstances of the present case and failing the promoter to appear and defend his case, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.
7. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond doubt that the promoter has violated the provision of Section 3 of the Act, 2016 for publishing the advertisement in the Lokmat newspaper without registering the project with MahaRERA.
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 the aforementioned project has been duly registered with MahaRERA or obtains full occupancy certificate/completion certificate or N.A. order from competent authority. Moreover, it is directed that the Registration and Stamp Office shall be instructed to abstain from registering any sale agreements within the said project, until such time as the project is duly registered with MahaRERA Authority or obtains full completion certificate or N.A. order from competent authority.


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