

**SUO MOTU ADVERTISEMENT
CASE NO. 147 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 147 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Shri Sai Builders & Developers

.... Respondent/ Promoter

MahaRERA Project Registration No. – Unregistered Project

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent / Promoter.

ORDER

8th December 2023

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 31.10.2023 to the Promoter above named for issuing an advertisement on website dated 26.10.2023 in regard to their real estate project "Sai Dham," situated at Sindhudurg, without mentioning the MahaRERA project registration number and QR code of the said real estate project in the said advertisement.
2. However, it was observed that the said project "Sai Dham" was advertised without registering the said project with MahaRERA Authority.
3. The Promoter, inspite of having received the intimation letter from the "Advertising Standards Council of India" failed to comply with MahaRERA regulations and modify or withdraw the said advertisement.
4. In this regard, a hearing was scheduled on 08/12/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Respondent could have appeared through its representative and made its submissions.

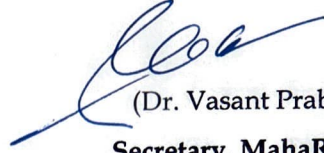
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5. However, during the course of the aforementioned hearing, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Promoter.
6. In this regard, it is necessary to peruse the provisions of Section 3 of the RERA which reads as under:

“3. 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.”
7. An interpretation of Section 3 reveals that the Promoter is legally obligated to refrain from engaging in activities such as advertising, marketing, booking, selling, or inviting individuals to purchase any plot, apartment, or building unless the real estate project in question has been duly registered with MahaRERA.
8. In the present case, it has been established that the Promoter had published an advertisement on website dated 26.10.2023 without fulfilling the requisite registration process with MahaRERA Authority for the advertised project.
9. 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 authorisation for the aforementioned project and no additional authorisation 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 from 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.

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10. With the above directions, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA