

**SUO MOTU ADVERTISEMENT
CASE NO. 158 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 158 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Inspira Realty

.... Respondent/Promoter

MahaRERA Project Registration No. – Unregistered Project

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared for the Respondent.

ORDER

8th December 2023

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 30.10.2023 to the Promoter above named for issuing an advertisement in Times of India Newspaper, Aurangabad Edition, dated 13.10.2023 in regard to their real estate project "Inspira City Shendra" situated at Aurangabad without registering the said real estate project with MahaRERA Authority.
2. The Promoter, through its written submission dated 05.10.2023, stated that Inspira Infra (Aurangabad) Limited has acquired leasehold rights and development right to industrial lands in Shendra MIDC, Aurangabad which are owned by MIDC vide lease deed dated 27.03.2008 for a period of 95 years commencing from 20.01.2022 for the purpose of developing an integrated industrial area on the industrial land.
3. The Promoter, further asserted that they are a lessee of industrial plot and would grant sub lease of varied plot to its clients, and secondly, the land in question is an industrial plot meant for industrial use and not residential or commercial, both (sub lease and industrial use) being outside the ambit of RERA Act.
4. In this regard, a hearing was scheduled on 08.12.2023 through video conferencing as

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per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter could have appeared through its representatives and made its submissions.

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 following definitions stipulated under the RERA Act and provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016:

"apartment" whether called block, chamber, dwelling, unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified:

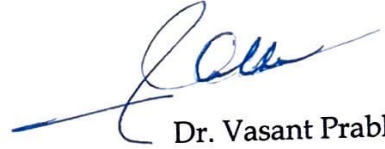
"building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, commercial or for the purpose of any business, occupation, profession, or trade, or for any other related purposes.

"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. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement in Times of India Newspaper, Aurangabad Edition dated 13.10.2023.

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8. However, the Promoter, in accordance with RERA Act, 2016, is exempted from the registering the said real estate project with MahaRERA Authority, as the definitions of "apartment" and "building" as it stands in the RERA Act does not include "industrial projects" or "industrial units."
9. Henceforth, it becomes manifestly clear that the Promoter does not stand in violation of Section 3 of the Real Estate (Regulation and Development) Act.
10. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA