

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 29 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Bali Suites Respondent

Unregistered Project of Luxurious Resort at Mulshi

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

Appearance :- Absent

ORDER

23rd April, 2024

(Through Video Conferencing)

1. MahaRERA has issued a show cause notice, dated 23.01.2024 to the respondent-promoter calling upon him as to why penal action under Section 59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") shall not be taken against him for publishing an advertisement in daily newspaper "Maharashtra Times", dated 14.01.2024 of real estate project of luxurious resort situated at Mulshi, Pune without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016.
2. In spite of service of show cause notice, the respondent failed to furnish his reply. Therefore, with a view to give opportunity of being heard, notices of hearing were served to the respondent on 01.03.2024 and 20.03.2024, which are returned with postal remarks "Refused". Therefore, the matter was proceeded exparte against the respondent-promoter.

3. 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;

4. 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.
5. In the present case, though sufficient opportunity of being heard was given to the respondent, the respondent remained absent and failed to furnish his reply. As such the charges leveled against the respondent in respect of non-registration of project remained unchallenged as it is proved that this promoter had published advertisement and 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 it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.
6. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond reasonable doubt that the promoter has violated the provision of Section 3 of the Act, 2016 for

publishing the advertisement without registering the project with MahaRERA.

7. Therefore, it is hereby directed that a written communication be sent to the concerned 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 concerned 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