

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

SUO MOTU ADVERTISEMENT CASE NO. 17 OF 2024

MahaRERA on its own Motion Complainant

Versus

Gadiya Group Respondent/ Promoter

**MahaRERA Project Registration No. – Unregistered with
MahaRERA**

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

No one appeared for the respondent/ promoter.

ORDER

18th April 2024

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me 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 section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.

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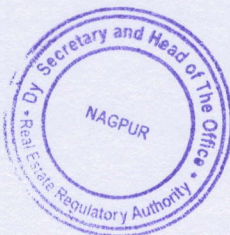
2. The MahaRERA authority had issued a show cause notice dated 21/02/2024 to the Promoter above named for publishing an advertisement in Hello Lokmat, E-paper, and E-Lokmat Samachar, Apana Shahar, Ch. Sambhaji Nagar, dated 11/02/2024, in regard to the project, Gadiya Park situated at Gut No.72, Golwadi, Ch. Sambhaji Nagar without registering the said project with MahaRERA which is in violation of section 3 of the Act- 2016.
3. The Promoter, by its reply dated 01/03/2024 to the show cause notice dated 21/02/2024 had submitted that the aforementioned project-Gadiya Park being plotted development, had already been received with NA order dated 30/09/2020 from Upper Tahsildar, Aurangabad and Development permission /final Layout permission dated 18/10/2022, Part completion certificate dated 20/05/2022 for providing internal infrastructures works like concrete roads, water supply lines, sewer lines, open space development works etc, commencement certificate dated 18/10/2022 from the CIDCO, Maharashtra. The Promoter further submitted that as per MahaRERA circular No. 25/2019, if the project is NA (in case of plotted development), it is excluded from MahaRERA registration and hence the aforesaid project being NA, does not require to comply with MahaRERA registration. The Promoter had also furnished the NA order and other documents along with sanction plan.
4. In this regard, a hearing was scheduled on 01/03/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter remained absent for the hearing even though the notice of the hearing and the link of hearing was duly served upon the promoter. Hence, in compliance with the principle of natural justice, the proceedings were adjourned to the next date. Accordingly, in this regard, a next hearing was scheduled on 21/03/2024 and subsequently on 18/04/2024, when the Promoter failed to appear for the hearing even though the link of hearing was duly served upon the Promoter. However, the Promoter had submitted its reply via e-mail & post dated 01/03/2024 along with NA order dated 30/09/2020 from Upper

Tahsildar, Aurangabad and other relevant documents.

5. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:

"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."

6. From the plain reading of Section 3, the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA.
7. In the present case, the Promoter had published a half page advertisement in Hello Lokmat, E-paper, and E-Lokmat Samachar, Apana Shahar, Ch. Sambhaji Nagar, dated 11/02/2024, in regard to the project, Gadiya Park without registering the said project with MahaRERA. However, it has been established from the documents on record that the aforesaid project being plotted development and being received with NA order and final layout permission from the competent authority, the promoter is not in violation of section 3 of the Act- 2016.
8. In view of the above, the present case stands closed.



Sanjay Bhimanwar
(Sanjay Bhimanwar)
**Dy. Secretary,
MahaRERA, Nagpur.**