

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 41 OF 2023**

MahaRERA on its own Motion Complainant
Versus
M/s Haji Mo.Eliyas A.Gaffar and 2 others 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)

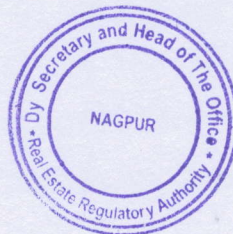
1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D)Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of 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.
2. The MahaRERA authority had issued a show cause notice dated

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21/06/2023 to the Promoter above named for publishing an advertisement in Hello Parbhani , supplement-Daily Lokmat Newspaper, Parbhani dated 24/05/2023, in regard to the project, Ambika Nagari situated at Pedgaon phata, main road, Pedgaon, Tah+District -Parbhani without registering the said project with MahaRERA which is in violation of section 3 of the Act- 2016.

3. The promoter, however, inspite of receiving the show cause notice dated 21/06/2023 had failed to show cause to the same within the stipulated time period mentioned in the said show cause notice.
4. In this regard, a first hearing was scheduled on 13/02/2024 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.
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 full page advertisement in Daily Lokmat Newspaper's supplement-Hello Parbhani, Parbhani dated 24/05/2023 without registering the said project with MahaRERA. The Promoter, however, inspite of receiving the show cause notice dated 21/06/2023 had failed to file its reply to the same within the stipulated time period mentioned in the said show cause notice. Also, the Promoter remained absent for all the hearings even though the notice of the hearing and the link of hearing was duly served upon the Promoter. Therefore, it has been concluded that the Promoter has advertised the aforesaid project without fulfilling the requisite registration process with MahaRERA for the advertised project. Hence, the promoter stands in violation of section 3 of the Act- 2016.
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 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 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.
9. In view of the above, the present case stands closed.



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