

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.62 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Supreme Reality

1. Spring Meadows (Unregistered)
2. Paradise Serenity (Unregistered)

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

Appearance :- Adv. Tanaji Solankar

**ORDER**

25<sup>th</sup> October, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on 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 the provision of Section 3 by the promoter and to impose penalty under Section 61 of the Act for contravention of Section 11(2) of the Act etc. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. Adv. Tanaji Solankar appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that advertisements have been published in daily newspaper with regards to the projects (1) Spring Meadows and (2) Paradise Serenity without registering the same has been published. Therefore, by show-cause notice, dated 03.03.2023, the Respondent-Promoter was called upon to show cause as to why penal action under Section 59 of the said Act should

not be initiated against him. Notice of hearing was issued to the Respondent on 01.08.2023 and directed to attend the virtual hearing on 08.08.2023. On the said date, promoter remained absent and therefore, matter was adjourned to 18.08.2023. Promoter has filed his reply on 01.08.2023, which is received by this Authority on 28.08.2023.

3. The promoter by his reply has submitted that the respondent has not given any advertisement in respect of any Non-Agriculture Plot/Properties and there is no requirement of law which mandates registration of project with MahaRERA coming under category of agricultural lands. The respondent has not promised anyone that the proposed agricultural lands are going to be converted to N.A. The respondent deals with agriculture lands and therefore, same is out of RERA's jurisdiction. Hence the respondent has not violated Section 3 of the RERA and consequently Section 59 cannot be invoked.
4. Heard Adv. Solankar for respondent-promoter. He has reiterated the contentions raised by the promoter in his reply. He has argued that the respondent-promoter purchases and sells the agricultural lands and there is no provision under RERA for registration of a project of agricultural lands.
5. The promoter has submitted copy of registered sale-deed along with Index II and 7/12 extract of the land admeasuring 04 H. 72 Ares from land bearing Gat No.16/2, situated at village Guhini, Tal. Bhore, District Pune and also 7/12 extracts of land bearing Survey No. 30/1 admeasuring 2 H. 07.07 Are, land bearing Survey No. 20/2, admeasuring 3 H. 10 Are of village Khulshi, Tal. Bhore, District Pune, copy of Index II of registered sale-deed of land admeasuring 00 H. 22 Are of village Rahatvade, Tal. Haveli, District Pune. The said lands have been shown in the respective sale-deeds as agricultural lands. The purchaser/seller of the said lands are the directors of the respondent-firm. The 7/12 extracts of the said lands also shows that the said lands are agricultural lands. As



such, it is clear from the documents on record that the lands shown in the impugned advertisement are agricultural lands and thus the said lands do not fall within the four corners of the definition of the expression "real estate project" as defined under Section 2(zn) of the Act, 2016. The respondent-promoter has also filed on record the Registration Certificate issued in the name of respondent-promoter under the provisions of Maharashtra Shops & Establishment (Regulation of Service and Service Conditions), Act, 2017.

6. At this juncture it is material to refer the judgment of Hon'ble MahaRERA Appellate Tribunal. The Hon'ble MahaRERA Appellate Tribunal on similar issue in Appeal No. U-21 in SC10000227 in the case of Mohammed Zain Khan v/s. Emnory Properties India and others, held that, "The subject plot purchased by the complainant is an agricultural land as no competent authority has so far granted any N.A. order or permission otherwise for development of the said land. It was further held that the subject plot was not a real estate project and is therefore, not liable for registration under Section 3 of the Act."

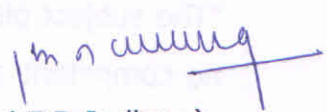
7. The Hon'ble MahaRERA Appellate Tribunal in the aforesaid matter, in para 13(v) has specifically held as under :-

"In above circumstances, in agreement with the Authority and limited to the facts of this case, it is concluded that land pertaining to the First Project continues to be an agricultural land in the absence of any N.A. orders for its development. Therefore, we find no illegality or infirmity as such in the view taken by the Authority to hold that the First Project is not a real estate project for the reasons stated in the impugned order and therefore, the same is not liable to be registered under the Act."

8. MahaRERA Authority, Mumbai in Suo Motu Advertisement Case No. 25 of 2023 between MahaRERA at its own v/s. Supreme Reality has held

that since the promoter only deals in agricultural properties/plots, the promoter is not in violation of Section 3 of RERA.

9. Considering the sale-deed, Index II, 7/12 extracts and Shop Act Licence produced on record by this respondent as well as the judgment and order passed by the MahaRERA Authority as well as MahaRERA Appellate Tribunal in the aforesaid matters and the relevant provisions of law, it is crystal clear that the plots/lands of the aforesaid two projects being the agricultural lands, do not fall within the four corners of the definition of the 'real estate project', as defined under Section 2(zn) of the Act of 2016. In view of this, it can be said that there is no violation of Section 3 of the Act of 2016 in regards to both these projects. As such Section 59 of the Act of 2016 for the purpose of imposing penalty would not attract so far as these projects are concerned.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune