

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.155 OF 2023**

MahaRERA on its own Motion	....	Complainant
Versus		
Angel Infra.		
"Pitaji Nagar"		
Unregistered Plotting Project	....	Respondent

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

**Appearance :- C.A. Mr. Akash Patni**

**ORDER**

9<sup>th</sup> January, 2024  
(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 01.12.2023 to the Respondent-Promoter calling upon him as to why penalty should not be imposed upon him under Section 59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") for publishing advertisement in daily newspaper "Lokmat", dated 12.11.2023 of his real estate project "Pitaji Nagar" situated at Pokhari Road, Ambejogai, without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016.
2. In pursuance of the said show cause notice and in exercise of the powers delegated under Section 81 of the Act, 2016, notice of hearing was issued to the promoter. The promoter has furnished his reply, dated 07.12.2023 to the aforesaid show cause notice and contended that he has received N.A. permission from Ambejogai Sub-Divisional Magistrate on 30.12.2017 and the final layout is also approved by the Town Planning Authority on 30.06.2023. The promoter has further contended that it is a plotting project and MahaRERA Circular No.25/2019, dated 11.10.2019 explicitly exempt real estate projects having N.A. permission from

registering with MahaRERA. Lastly, the promoter has contended that there has been no violation of Section 3 of the Act, 2016 and requested to drop this proceeding for the reasons stated in the reply.


3. Heard C.A. Mr. Akash Patni for promoter. He has reiterated the contentions raised out by the promoter in his reply. He submits that the project is plotting project of which final layout has been approved by the Town Planning Authority and N.A. order has also been obtained in the year 2017. He submits that there is no violation of Section 3 of the Act, 2016 in the present matter on the ground specifically stated in the reply filed by respondent.
4. The respondent-promoter in support of his reply, has furnished copy of the N.A. Order, dated 30.12.2017 issued by the Sub-Divisional Officer, Ambajogai, copy of final approval of layout, dated 30.06.2023 issued by the Asst. Director, Town Planning, Beed. Copy of advertisement is on record. Perused the impugned advertisement, dated 12.11.2023. It has mentioned therein that it is a plotting project which is situated at Gat No. 335/1/7 and location of the same is on Pokhari Road, Ambajogai. Perusal of the N.A. Order, dated 30.12.2017 shows that N.A. permission has been granted by the Competent Authority for the area admeasuring 9900 sq. mtr. from land Gat No. 335/1 of village Jogaiwadi, Tal. Ambajogai.
5. Perusal of the N.A. order issued under Section 44 of the Maharashtra Land Revenue Code, 1966 manifestly shows that it has been issued on 30.12.2017 on certain terms and conditions by the Sub-Divisional Officer, Ambajogtai. The final layout sanction issued by the Asst. Director, Town Planning, Beed also having mention that the layout of the land Gat No. 335/1/6 admeasuring 9930 sq. mtr. has been sanctioned vide letter No. 699, dated 14.11.2017 and final layout has been sanctioned on 30.06.2023.

6. Maharashtra Real Estate Regulatory Authority (hereinafter referred to as 'MahaRERA') has issued Circular No. 25/2019, dated 11.10.2019 regarding clarification in respect of registration of agreement for sale/sale-deed for real estate projects. It has been mentioned in the said circular in regards to real estate projects that are excluded from MahaRERA Registration. Para 1 of said Circular deals with "Real estate projects that are excluded from MahaRERA Registration". Serial No.3 therein specifically states that real estate projects where promoter has received completion certificate/occupancy certificate/N.A. order (in case of plotted development) from competent authority, any time before agreement for sale/sale-deed registration are excluded from MahaRERA registration (emphasis supplied). In other words, real estate project where promoter has received N.A. order in relation to plotted development prior to the date of advertisement, the said project can be said to be exempted from MahaRERA Registration. MahaRERA has issued another Circular No. 25A/2023, dated 09.06.2023 regarding real estate projects that are excluded from MahaRERA Registration. This circular supplements circular No.25/2019, dated 11.10.2019 regarding serial Nos.1 and 2 enumerated therein. However, Serial No.3 in the earlier circular, dated 11.10.2019, remained in force till the date. By invoking Serial No.3 from circular No.25/2019, dated 11.10.2019, it can be said this project squarely falls within the scope of serial No.3 of Para 1 and therefore, it can be said, this project needs no registration as it has already received N.A. order prior to publishing advertisement.
7. In this matter the Sub-Divisional Officer, Ambajogai has issued final N.A. Order on 30.12.2017 under Section 44 of the Maharashtra Land Revenue Code, 1960. The advertisement is published in 'Lokmat Hello Beed' newspaper on 12.11.2023 after obtaining the N.A. Order for the said project. Moreover, it has been specifically mentioned in the advertisement by the promoter that the advertisement was given only for sale of N.A. plots in the completed project. Thus there appears no violation of Section



3 of the Act 2016 by the Respondent-promoter and therefore, no case made out against the promoter.

8. In view of the above, the provision of Section 3 of the Act of 2016 will not be attracted in this matter as this project falls within the category of exemption as enunciated under Circular No.25/2019 issued by MahaRERA Authority. Consequently, the question of imposing penalty under Section 59 would not arise.
9. This matter, therefore, stands disposed off without imposing penalty.

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