

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 157 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shree Sadguru Group
'Sadguru Paradise'
Unregistered Project

.... Respondent

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

Appearance :- Adv. Mr. Yatish Wadekar for Respondent.

ORDER

9th January, 2024
(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 23.11.2023 to the Respondent-Promoter 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 the sake of brevity) for publishing advertisement of his real estate project "Sadguru Paradise" situated at Hirawadi, Panchvati, Nashik in daily newspaper "Lokmat", on dt. 25.10.2023 without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016.
2. In pursuance of the aforesaid show-cause notice, Respondent-Promoter has filed his reply, dated 30.11.2023 and contended that the said project is registered with MahaRERA. The Respondent-promoter has further contended that the said project was completed on 22.07.2022 and occupancy certificate has been issued by the local authority. It has also been contended by the Respondent-promoter that possession of the flats has been given to

the customers of the said project. As the project was completed and had received O.C. from the Competent Authority , it is contended that the marketing team of promoter did not think in respect of printing the RERA Registration number of the project in the advertisement.

3. Heard Adv. Mr. Yatish Wadekar along with Mr. Rahesh Dholkia for Respondent-promoter. Both of them reiterated the contentions made out in the reply by the Respondent-promoter. They have contended that their project is already registered with MahaRERA. The project "Sadguru Paradise" is a part of the project "Sadguru Homes". It is completed on 22.07.2022, occupation certificate is received and possession is also handed over to the allottees.
4. The Respondent-promoter in support of his reply, has submitted Registration Certificate, dated 08.09.2021 issued by MahaRERA Authority bearing Registration number P51600022296 of the real estate project "Sadguru Homes". The MahaRERA record shows that the Respondent-promoter has obtained part completion certificate from the planning authority on 22.07.2022. On perusal of the details of the said project, it appears that the project "Sadguru Paradise" is part of the project "Sadguru Homes".
5. The show cause notice, dated 23.11.2023 has been issued for violation of Section 3 of the Act, 2016 for not registering the project with MahaRERA. However, the Registration Certificate produced by the Respondent-promoter shows that it is registered with MahaRERA on 08.09.2021. On going through the registration certificate issued by MahaRERA Authority to this project "Sadguru Homes" of which "Sadguru Paradise" is a part, it can be said, there is no prima facie evidence to prove the charges leveled in the matter.
6. Considering the evidence on record adduced by the respondent-promoter and the provision of the Act, 2016, it can be said, no case is made

out against the respondent-promoter for violation of Section 3 of the Act, 2016. There is no iota of evidence to prove that this respondent has breached the Section 3 of the Act of 2016. Under these circumstances, Section 59 of the Act of 2016 cannot be invoked in the matter. Consequently, the penalty under Section 59 of the Act, 2016 cannot be imposed in the present matter.

7. The matter therefore, stands disposed off without imposing any penalty.



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