

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

SUO MOTU ADVERTISEMENT CASE NO. 10 OF 2024

MahaRERA on its own Motion Complainant

Versus

Shri Varadlaxmi Enterprises ...Respondent/ Promoter

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

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

CA Yash Nagar appeared for the respondent/ promoter.

ORDER

20th February 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 06/02/2024 to the promoter above named for publishing an advertisement dated 28/01/2024 in Hello Lokmat, Newspaper, Ch. Sambhaji Nagar, E-paper-

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 10 OF 2024**

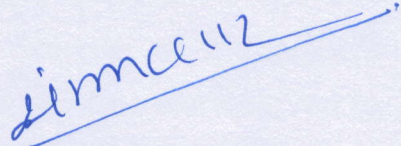
Sakal, Ch.Sambhaji nagar, and dated 02/02/2024, Hello lokmat, Nanded in regard to the real estate project- Shri Varadlaxmi Residency situated at Mauza-Bidkin-Sompuri road, Ch. Sambhaji Nagar without registering the said real estate project with MahaRERA which is in violation of section 3 of the Act 2016.

3. The promoter, by its reply dated 09/02/2024 to the said show cause notice dated 06/02/2024 had submitted that the aforesaid project -Shri Varadlaxmi Residency had been received with NA order from the competent authority- Tahsildar, Paithan, Aurangabad. The Promoter further submitted that the internal work such as roads, drainage pipeline and other work as mandated by the competent authority had also been completed. The Promoter further submitted that the similar notices were issued by the Pune, MahaRERA and after hearing, orders were passed by the authority stating that the provision of section 3 of the RERA Act-2016 would not be attracted in the case of aforesaid project it falls within the category of exemption as enunciated under Circular No 25/2019 issued by MahaRERA authority. The Promoter further furnished the NA order dated 07/02/2023 along with Final Approval dated 30/12/2022 granted by Asst. Director, Town Planning, Aurangabad.
4. In this regard, a hearing was scheduled on 20/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submission.
5. During the hearing, the promoter submitted that the project has already been received with NA order dated 07/02/2023 from competent authority. The Promoter further submitted that aforesaid project is already completed and hence does not require to comply with MahaRERA registration.
6. In this regard, it is necessary to pursue 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."

7. 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.
8. Also, in this regard, it is necessary to pursue the Circular No 25 / 2019 which reads as under:
Real Estate Projects that are excluded from MahaRERA Registration.
3. Real Estate Projects where Promoter has received Completion certificate / Occupancy certificates / N/A (in case of plotted development from Competent Authority any time before Agreement for Sale / Sale Deed Registration.
9. In the present case, the Promoter had published an advertisement dated 28/01/2024 in Hello Lokmat, Newspaper, Ch. Sambhaji Nagar, Sakal E-paper, Ch. Sambhaji nagar, and & dated 02/02/2024, in Hello Lokmat, Nanded without registering the said project with MahaRERA. However, since the said project being a plotted development and NA order being received on 07/02/2023 prior to the date of advertisement of the aforesaid project, the promoter is not in violation of section 3 of the Act 2016.
10. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)

**Dy. Secretary,
MahaRERA, Nagpur.**