

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 27 OF 2023

MahaRERA on its own Motion Complainant
Versus

Balaji Group Respondent/ Promoter

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

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

No one appeared for the respondent/ promoter.

ORDER

25thJanuary2024

(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 23/10/2023 to the promoter above named for publishing an advertisement in Lokmat, Hello Yavatmal Newspaper dated 17/09/2023, in regard to the project, **Highway Bliss City** situated at Aarni road, Kinhi ,Yavatmal, without registering the same with MahaRERA in violation of section 3 of the Act-

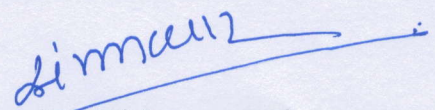
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2016.

3. The promoter, by its reply dated 08/11/2023 to the said show cause notice dated 23/10/2023 had submitted that the aforementioned project was advertised under the tile of coming soon project and not with an intention to sale any plots in the aforesaid project. The Promoter further submitted that the mistake was due to incorrect interpretation of provision of law and had not collected any amount from any prospective customer nor sold sold any plot to any customer.
4. In this regard, a hearing was scheduled on 23/11/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared and sought time to initiate the process of registration under MahaRERA. Hence, the proceedings were adjourned to the next date. Accordingly, in this regard, a next hearing was scheduled on 21/12/2023 when the promoter failed to appear 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 for final order. Accordingly, in this regard, a next hearing was scheduled on 25/01/2024 when the promoter again failed to appear for the hearing even though the notice of the hearing and 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 an advertisement Daily lokmat newspaper-Hello Yavatmal dated 17/09/2023 without registering the said project with MahaRERA. Although, the promoter has submitted the reply and appeared for the first hearing through representative and sought a time to initiate the process of registration of the aforesaid project under MahaRERA, however, the promoter failed to appear for the next two consecutive hearings. Thus, it has been established that the promoter has advertised the aforesaid project without fulfilling the requisite registration process with MahaRERA for the advertised project. Hence, the promoter is 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.


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