

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

SUO MOTU ADVERTISEMENT CASE NO. 28 OF 2023

MahaRERA on its own Motion Complainant

Versus

M/s. Giriraj Developers Respondent/ Promoter

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

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

Mr. Uday Kasliwal appeared for the respondent/ promoter.

ORDER

25th January 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 21/06/2023 to the promoter above named for publishing an advertisement dated 30/04/2023, in the Lokmat, Hello Parbhani Newspaper, in regard to the real estate project- Balaji Nagar situated at Gangakhed Road, Tah/District-Parbhani

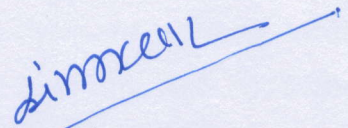
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without registering the said real estate project with MahaRERA in violation of section 3 of the Real Estate(Regulation & Development) Act 2016(The Act).

3. The promoter, however, had failed to show cause to the said show cause notice dated 21/06/2023 within the time period mentioned in the said show cause notice.
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 through its representative and sought time for filing reply and documents submission. Hence, the proceedings were adjourned to the next date.
5. Accordingly, the Promoter by its reply dated 10/01/2024 had submitted that aforesaid project was advertised only after taking completion /final layout permission. The promoter further submitted that the aforesaid project had already been received with full occupancy certificate dated 13/03/2023 from Parbhani City Municipal corporation, Parbhani. The promoter further submitted that as per circular 25/2019 and 25A/2023, the promoter had taken completion certificate/Final Layout permission from Planning Authority i.e.PCMC, Parbhani and hence,not applied for MahaRERA registration. The promoter further submitted the supporting documents.
6. Accordingly, a hearing was scheduled on 25/01/2024, when promoter appeared through its representative and made its submission.
7. During the hearing, the promoter submitted that the Promoter has already taken completion/final layout permission for the aforesaid project and the aforesaid advertisement was published on 30/04/2023 after receiving the full occupancy certificate dated 13/03/2023.
8. 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."

9. 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.
10. In the present case, the Promoter had published an advertisement dated 30/04/2023 in the Lokmat, Hello Parbhani Newspaper, without registering the said project with MahaRERA. However, since the said project is being a plotted development and full occupancy certificate being obtained on 13/03/2023 before the advertisement of the aforementioned project, the promoter is not in violation of section*3 of the Act 2016.
11. In view of the above, the present case stands closed.


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