

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

SUO MOTU ADVERTISEMENT CASE NO. 15 OF 2024

MahaRERA on its own Motion Complainant

Versus

Nanik Group Respondent/ Promoter

MahaRERA Project Registration No. - P50500045432

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

Mr.Pankaj Gaikwad appeared for the respondent/ promoter.

ORDER

21st March 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

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26/01/2024 in the Tarun Bharat Newspaper, Nagpur in regard to the project "Bhakti-IV" without registering the said project with MahaRERA which is in violation of section 3 of the Act-2016.

3. The promoter, by reply dated 29/02/2024 to the said show cause notice dated 06/02/2024 had submitted that the aforesaid project Bhakti-IV mentioned in an advertisement dated 26/01/2024 published in the Tarun Bharat Newspaper, Nagpur had been duly registered with MahaRERA under the Project name- Nanik's Ashtavinayak Bhakti-4 bearing MahaRERA registration No.- P50500045432. The Promoter further submitted that the MahaRERA registration no. was explicitly mentioned in the aforesaid advertisement.
4. In this regard, a first hearing was scheduled on 01/03/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent even though the notice of hearing and the link for the hearing was duly served upon the promoter. In compliance with the principle of natural justice, the matter was adjourned to the next date of the hearing. Accordingly, the next hearing was scheduled on 21/03/2024 when the promoter appeared through its representative and made its submissions.
5. During the hearing, the promoter submitted that the aforesaid project-Bhakti-IV mentioned in aforesaid advertisement has been duly registered with MahaRERA under the project name-Nanik's Ashtavinayak Bhakti-4 bearing MahaRERA registration No.-P50500045432. The promoter further submitted that due to very small size of advertisement and poor printing quality, the MahaRERA project registration number & Quick Response (QR) Code for the project- Nanik's Ashtavinayak Bhakti-4 appears blurred. The promoter sought an apology and submitted that henceforth, the outmost care would be taken regarding the printing clarity in all the advertisement published by it.
6. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:

(1) "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(1), 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. In the present case, the Promoter had released a small size advertisement of aforesaid project in Tarun Bharat Newspaper, Nagpur dated 26/01/2024 without registering the said project with MahaRERA. However, it has been established that the Promoter's aforesaid Project-Bhakti-IV as mentioned in the aforesaid advertisement is a Nanik's Ashtavinayak Bhakti-4 which has been duly registered with MahaRERA bearing MahaRERA registration No. P50500045432 as mentioned in the aforesaid advertisement. Hence, the Promoter is not in violation of section 3 of the Act-2016.
9. With the above directions, the present case stands closed.


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