

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

SUO MOTU ADVERTISEMENT CASE NO. 42 OF 2023

MahaRERA on its own Motion Complainant

Versus

Dhoot Builders & Developers Respondent/ Promoter

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

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

Adv.Aniket Bhakkad 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.

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 42 OF 2023**

2. The MahaRERA authority had issued a show cause notice dated 20/11/2023 to the promoter above named for publishing an advertisement in Dainik Prajawani, Daily Newspaper, Nanded dated 24/10/2023, in regard to the projects, Hi-tech City situated at Taroda (Bu), Sangavi Bypass Road, Nanded without registering the said project with MahaRERA which is in violation of section 3 of the Act- 2016.
3. The promoter, by its reply dated 28/02/2024 to the show cause notice dated 20/11/2023 had submitted that the aforementioned project-Hi-tech City had a land area admeasuring 218.66 Sq.mtr. which was less than 500 and had consist of only total 02 No. row houses, hence does not require to comply with MahaRERA registration. The Promoter had furnished the sanction plan of the aforesaid project sanctioned by the competent authority, Nanded, along with the area statement.
4. In this regard, a hearing was scheduled on 01/03/2024, when the Promoter appeared through its representative and made its submission. After hearing the Promoter through representative, the matter was adjourned for document submission. Accordingly, the Promoter had submitted the supporting document. Hence, in this regard, a next hearing was scheduled on 21/03/2024, when the Promoter appeared through its representative and made its submission.
5. During the hearing, the Promoter reiterated that aforementioned project Hi-tech City - situated at Taroda(Bu),Sangavi Bypass Road, Nanded advertised in Dainik Prajawani, Daily Newspaper, Nanded dated 24/10/2023, has a land area less than 500 Sq.Mtr, and total no. units constructed are only 02 and hence ,does not require to comply with MahaRERA registration.
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."

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required— (a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

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. Further, according to section 3(2) registration of real estate project shall not be required where area of land proposed to be developed does not exceed five hundreds square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases.
8. Also, in this regard, it is necessary to pursue the Circular No 25A / 2023 which reads as under:

1) Real Estate Projects where the area of land proposed to be developed is less or equal to five hundred square meters shall not require MahaRERA Project Registration irrespective whether the numbers of apartments / units proposed to be developed is less than or more than eight apartments/units as the case may be inclusive of all phases.

9. In the present case, the Promoter had published a quarter page advertisement in Dainik Prajawani, Daily Newspaper, Nanded dated 24/10/2023, in regard to the projects- Hi-tech City without registering the said project with MahaRERA. However, it has been established from the sanction plan

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 42 OF 2023**

of the aforesaid project that the land area of the aforesaid project is less than 500sq.mtr. Hence, the promoter is not in violation of section 3 of the Act 2016.

10. In view of the above, the present case stands closed.

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