

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

SUO MOTU ADVERTISEMENT CASE NO. 6 OF 2024

MahaRERA on its own Motion Complainant

Versus

Abhiraj Associates Respondent/ Promoter

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

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

Adv. Anand Mamidwar 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 30/01/2024 to the promoter above named for publishing an advertisement

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 6 OF 2024**


in Hello Lokmat, E-paper, Parbhani dated 17/12/2023, in regard to the projects, Dwarka Dham and Shri Nrusinh Park situated at Gangakhed road, Parbhani without registering the same 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 show cause notice dated 30/01/2024 had submitted that the aforementioned projects- Dwarka Dham and Shri Nrusinh Park being plotted development, had been received with NA orders and final approval dated 30/08/2023 from the Town planning department, Parbhani. The Promoter had further submitted that as per MahaRERA circular No. 25/2019, if the project is NA (in case of plotted development), it is excluded from MahaRERA registration and hence the aforesaid project being NA, do not require to comply with MahaRERA registration. The promoter further furnished the final approval along with the sanction plan sanctioned by the competent authority, Parbhani.
4. In this regard, a hearing was scheduled on 16/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent 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. Accordingly, in this regard, a next hearing was scheduled on 07/03/2024, 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 submitted that being plotted development and being received with NA order and final approval from Town Planning department, Parbhani, the aforesaid projects-Dwarka

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 6 OF 2024**

Dham and Shri Nrusinh park do not require to comply with MahaRERA registration as per MahaRERA circular No 25/2019.

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. In the present case, the Promoter had published a quarter page advertisement in Hello Lokmat, E-paper, Parbhani dated 17/12/2023, in regard to the projects, Dwarka Dham and Shri Nrusinh Park without registering the said projects with MahaRERA. However, it has been established that the aforesaid projects being plotted development and being received with NA orders and final approval from the competent authority, the promoter is not in violation of section 3 of the Act- 2016.
9. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)

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