

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.121 OF 2023**

MahaRERA on its own Motion	Complainant
Versus		
Crystal Developers.		
"Crystal Green Park"		
"Crystal Kalavati Vihar"		
Unregistered Plotting Projects	Respondent

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Mr. Samved Burbure

ORDER

29th Dec., 2023

(Through Video Conferencing)

1. The present case has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing an advertisement in daily newspaper "Lokmat" dated 12.08.2023 of real estate projects by name "Crystal Green Park" situated at Barshi Road, Solapur and "Crystal Kalavati Vihar" situated at Akkalkot Road, Solapur, without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016").
2. In pursuance of the said advertisement and in exercise of the powers delegated under Section 81 of the Act, 2016, show-cause notice, dated 07.09.2023 has been issued to the promoter calling upon him as to why penalty under Section 59 of the Act, 2016 for contravention of the provision of Section 3 should not be imposed on him.
3. Adv. R.C. Konapure appeared on behalf of promoter and during the course of hearing, made oral submissions that the project has received N.A. permission and sanctioned layout prior to publication of

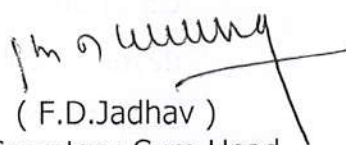
advertisement. Mr. Samved Burbure also appeared on behalf of promoter and submitted copy of N.A. order and sanctioned layout. No written reply is filed on behalf of respondent-promoter.

4. Perusal of the N.A. order, dated 26.06.2023 issued by the Tahsildar, North Solapur manifestly shows that N.A. permission was granted to the land admeasuring 32400.00 sq. mtrs., Gat No. 27/1 of village Khed, Tal. North Solapur, District Solapur on certain terms and conditions. Perused the layout approved by the Town Planning Department, Solapur in respect of the said land Gat No.27/1 of village Khed, Tal. North Solapur, District Solapur and 7/12 extract of land Gat No. 27/1, admeasuring 3 H. 24 Are along with N.A. order. It shows that the said land has been included in Urban Land Agglomeration.
5. The respondent-promoter has also filed copy of N.A. order, dated 23.06.2023 issued by the Sub-Divisional Officer, Solapur No.2, Solapur for the land admeasuring 41200.00 sq. mtrs. from and out of Gat No. 561 of village Kumbhari, Tal. South Solapur, District Solapur on certain terms and conditions. Perused the layout approved by the Town Planning Department, Solapur in respect of the said land Gat No.561 (Part) of village Kumbhari, Tal. South Solapur, District Solapur and the 7/12 extract of Gat No.561/Part/1 (Plot No.90) along with N.A. order. It manifestly shows that it is non-agricultural land.
6. The impugned advertisement is on record. It has been mentioned in the said advertisement that the said projects are NATP Clear Title & ADTP sanctioned layout. Thus the documents submitted by the promoter clearly indicates that the impugned projects have received N.A. permission and sanctioned layout in the month of June, 2023. The impugned advertisement has been published in daily newspaper on 12.08.2023 i.e. after the N.A. order and sanctioned layout.

7. Maharashtra Real Estate Regulatory Authority (hereinafter referred to as 'MahaRERA') has issued Circular No. 25/2019, dated 11.10.2019 regarding clarification in respect of registration of agreement for sale/sale-deed for real estate projects. It has been mentioned in the said circular in regards to real estate projects that are excluded from MahaRERA Registration. Serial No.3 in the said circular specifically states that real estate projects where promoter has received completion certificate/occupancy certificate/N.A. order (in case of plotted development) from competent authority, any time before agreement for sale/sale-deed registration are excluded from MahaRERA registration. In other words, real estate project where promoter has received N.A. order in relation to plotted development prior to the date of advertisement, the said project has been exempted from MahaRERA Registration. MahaRERA has issued Circular No. 25A/2023, dated 09.06.2023 regarding real estate projects that are excluded from MahaRERA Registration. This circular supplements circular No.25/2019, dated 11.10.2019 regarding serial Nos.1 and 2 enumerated therein. However, Serial No.3 in the earlier circular, dated 11.10.2019, remained in force till the date. By invoking Serial No.3 from circular of 11.10.2019, it can be said this project needs no registration as it has already received N.A. order prior to publishing advertisement.

8. In view of the aforesaid circulars, it is clear that the projects wherein N.A. order has been obtained by the promoter are exempted from registration with MahaRERA. In this matter the Competent Authorities have issued N.A. Orders under Section 44 of the Maharashtra Land Revenue Code, 1960 and the advertisement is published in 'Lokmat' newspaper on 12.08.2023 after obtaining the N.A. Order for the said projects. Moreover, it has been specifically mentioned in the advertisement by the promoter that the said projects are having NATP clear title and ADTP sanctioned layout. This manifestly indicates registration of this project with MahaRERA is not required as per Circular No. 25/2019 and as such it can be said there is no violation of Section 3 of the Act 2016.

9. In view of the documentary evidence adduced on record, it can be said the provision of Section 3 of the Act of 2016 will not be attracted in this matter. Consequently, penalty under Section 59 of the Act, 2016 cannot be invoked in the matter.
10. The matter therefore, stands disposed off accordingly.


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune