

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO. 03 OF 2024**

MahaRERA on its own Motion .... Complainant

Versus

Kasliwal Construction  
(i) 'N.A. Plot at Golwadi' .... Respondent  
(ii) 'Kasliwal Marvel'  
Unregistered Projects

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

Appearance :- Mr. Uday Kasliwal, A.R. for Respondent.

**ORDER**

19<sup>th</sup> January, 2024  
(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 21.12.2023 to the Respondent-Promoter as to why penalty should not be imposed upon him under Section 59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016" ) for publishing advertisement of his real estate projects "N.A. Plot at Golwadi" and "Kasliwal Marvel" situated at Chhatrapati Sambhaji Nagar in daily newspaper "Lokmat" on dt. 26.11.2023 without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016.
2. In pursuance of the aforesaid show-cause notice, Respondent-Promoter has filed his reply, dated 08.01.2024. The respondent has contended that so far as the first project "N.A. plot at Golwadi" is concerned, N.A. order and final layout permission from the Planning Authority obtained on 14.10.2022. It is further contended by the respondent that the said project is completed in all respect and promoter has not sold any units before completion/N.A. order and final layout. The respondent has referred Circular

No.25/2019 and 25A/2023 and contended that the promoter can do advertisement and sale after completion of the project. The respondent has further contended that so far as the second project "Kasliwal Marvel," on the day of sale offer, the promoter has received the full Occupancy Certificate dated 19.04.2021 and before the sale offer, the promoter did not sell any units. The respondent has lastly contended that in both the projects promoter took the completion certificate before advertisement and sale offer hence not applied for RERA Registration as per the Circular No. 25/2019 and 25A/2023.

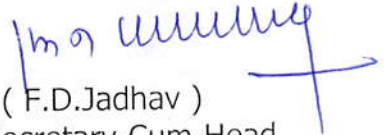
3. Mr. Uday Kasliwal, A.R. for respondent appeared in the matter. Heard Mr. Uday Kasliwal on behalf of respondent. He has reiterated the contentions made out in the reply by the promoter. Mr. Uday Kasliwal has submitted that the first project has received N.A. order and final layout permission, before the advertisement, and the second project has also received full occupancy certificate from the competent authority and therefore, according to him there is no any breach on the part of the promoter as per the Circular No.25/2019 and 25A/2023.
4. Perused the N.A. order, dated 20.05.2022 issued by the Addl. Tahsildar, Aurangabad. The said order has been issued under Section 42A of the Maharashtra Land Revenue Code, 1966 on certain terms and conditions. Also perused the "Final Layout Permission", dated 14.10.2022 issued by the Addl. Town Planning Officer, CIDCO Waluj Mahanagar, Aurangabad. Both these documents palpably shows that the promoter has received N.A. permission for the plotted development for the area admeasuring 10,200.00 sq. mtrs. from land bearing Gat/City Survey No. 20 and 21 of village Golwadi, Tal. Aurangabad, District Aurangabad from the respective Competent Authorities. Perused the impugned advertisement on record published in daily newspaper "Lokmat" dated 26.11.2023. It bears the words "NA Plots available @ Golwadi".



5. So far as the second project 'Kasliwal Marvel' is concerned, the respondent has submitted "Occupancy Certificate". Perused the "Occupancy Certificate", dated 19.04.2021 issued by the Aurangabad Municipal Corporation. It shows that it has been issued for the building constructed at City Survey/Survey/Gut No.74 of village Satara, District Aurangabad for the entire Stilt Parking + 7 Floor Only. Perused the impugned advertisement published in daily newspaper "Lokmat" dated 26.11.2023. It bears the words "Ready Possession". The occupancy certificate dated 19.04.2021 explicitly shows that on the date of impugned advertisement the said project was already completed.
6. 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. Para 1 of said Circular deals with "Real estate projects that are excluded from MahaRERA Registration". Serial No.3 therein 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 (emphasis supplied). In other words, real estate project where promoter has received completion certificate/occupancy certificate/N.A. order in relation to plotted development prior to the date of advertisement, the said project can be said to be exempted from MahaRERA Registration. MahaRERA has issued another 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 unchanged and still in force till the date. By invoking Serial No.3 from circular No.25/2019, dated 11.10.2019, it can be said these projects squarely fall within the scope of serial No.3 of Para 1 and therefore, it can be said, these projects need no

registration as it has already received N.A. order, final layout permission and occupancy certificate respectively prior to publishing advertisement.

7. Considering the evidence on record adduced by the respondent-promoter and the provisions of the Act, 2016 it can be said, no case is made out against the respondent-promoter for violation of Section 3 of the Act, 2016. There is no iota of evidence to prove that this respondent has breached the Section 3 of the Act of 2016. Under these circumstances, Section 59 of the Act of 2016 cannot be invoked in the matter. Consequently, the penalty under Section 59 of the Act, 2016 cannot be imposed in the present matter.
8. The matter therefore, stands disposed off without imposing any penalty.

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