

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.114 OF 2023**

MahaRERA on its own Motion Complainant

Versus

Vijaya Developers & Construction Respondent

Saraswati Villa.
Unregistered Project.

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

Appearance :- Absent

ORDER

22nd December, 2023
(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has issued show cause notice, dated 13.09.2023 to the respondent-promoter for publishing advertisement in daily newspaper "Lokmat", dated 20.08.2023 in respect of real estate project "Saraswati Villa" situated at Pune Road, near Bale, Solapur, without registering the same with MahaRERA, calling upon him as to why penalty should not be imposed upon him under Section 59 of the Maharashtra Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as the "Act, 2016), for violating the provision of Section 3 of the Act, 2016.
2. In spite of receipt of aforesaid show-cause notice, respondent-promoter failed to furnish his reply. Therefore, the matter was scheduled for hearing and Notice of virtual hearing was issued to the respondent firstly on 05.10.2023 and thereafter from time to time. On all the dates fixed for hearing, the respondent remained absent. Hence on 12.12.2023 the matter has been fixed for passing exparte order.

3. Perused the advertisement. It is related to the plotted project by name "SARASWATI VILLA" situated adjacent to Pune Road at Bale, Solapur. The said advertisement also offers various amenities including internal road, street light, drainage pipe line, separate MSEB DP, wall compound, children's playground, trees plantation, proposed railway station, etc. The advertisement also speaks regarding NATP Clear Title, sanctioned layout, separate online 7/12 extracts, plot design according to Vastushastra, etc. Also four different mobile phone numbers were given for contacting the promoter. Thus the people are invited for booking in the said project with attractive offers and assurances.

4. Section 3 of the Act 2016 deals with prior registration of real estate project with Real Estate Regulatory Authority. The said Section 3 reads as under :-

"3.(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;

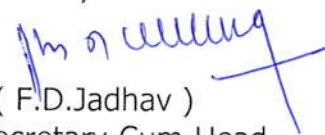
5. From the plain reading of Section 3, it is clear that the promoter is under obligation not to advertise, market, book, sell or offer for sale or invite persons to purchase any plot etc. without registering real estate project with MahaRERA. However, in the present case, promoter had published an advertisement without registering the project with MahaRERA. He was given several opportunities to put his defence in this matter. He had ample opportunity to submit his say whether this project had received N.A. certificate from competent Authority, final layout of the said project land was sanctioned by appropriate Authority. But as this promoter never appeared before this Authority, though he was served with notices, the above mentioned point of N.A., layout sanction remained

unproved. In this background, charges of Section 3 of the Act, 2016 against this promoter can be said to be proved. Consequently, it can be said this promoter has violated the provision of Section 3 of the Act of 2016.

6. In this matter, it is proved that this promoter had published advertisement in the newspaper Lokmat on 20.08.2023. It is also proved that the impugned project was/is not registered with MahaRERA. Therefore, taking into consideration the facts and circumstances of the present case and failing the promoter to appear and defend his case, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.

7. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond doubt that the promoter has violated the provision of Section 3 of the Act, 2016 for publishing the advertisement in the Lokmat newspaper without registering the project with MahaRERA.

8. Therefore, it is hereby directed that a written communication be sent to the Planning Authority for the purpose of ascertaining whether the promoter has obtained any requisite authorization for the aforementioned project, and no additional authorization shall be granted for the said project until such time the aforementioned project has been duly registered with MahaRERA or obtains full occupancy certificate/completion certificate or N.A. order from competent authority. Moreover, it is directed that the Registration and Stamp Office shall be instructed to abstain from registering any sale agreements within the said project, until such time as the project is duly registered with MahaRERA Authority or obtains full completion certificate or N.A. order from competent authority.


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