

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.156 OF 2023**

MahaRERA on its own Motion	....	Complainant
Versus		
Sai Builders & Developers		
"Anand Vihar"		
Unregistered Project	....	Respondent

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

**Appearance :- Adv.Amruta Salunke**

**ORDER**

2<sup>nd</sup> February, 2024  
(Through Video Conferencing)

1. MahaRERA has initiated the present suo-motu proceedings against the respondent-promoter for publishing an advertisement in a daily Newspaper 'Lokmat, on 12-11-2023 in respect of its real estate project by name "Anand Vihar" situated a Jintur Road, Parbhani without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called as "Act 2016").
2. In pursuance of the show cause notice, dated 01.12.2023, the respondent-promoter has filed his reply, dated 12.12.2023. The Respondent has contended in his reply that his project "Anand Vihar" is a plotting project in which he has obtained NA order from the Competent Authority. Further, according to the Respondent, as per circular No.25/2019 dated 11-10-2019 issued by MahaRERA his real

estate project is excluded by virtue of N.A. Order and therefore he need not register the said project with MahaRERA.

3. Adv.Amruta Salunke appeared on behalf of the Respondent-Promoter. She has reiterated the contentions raised in the reply of Respondent. The learned Adv.Salunke has vehemently argued that this respondent has received N.A. permission from the Competent Authority i.e., Sub Divisional Officer, Parbhani and therefore this project is exempted from registering it with MahaRERA as per circular No.25/2019 issued by MahaRERA. Adv.Amruta Salunke has prayed not to impose penalty in the matter.
4. The Respondent has submitted copy of NA permission dated 12-12-2023, copy of challan of Rs.8,820/- paid as a N.A. assessment, Final approval to the land sub divisional/lay out dated 8-12-2023 issued by Sub Divisional Officer, Parbhani, Original copy of lay out plan and copy of GR dated 19-08-2017 issued by Revenue & Forest, Department, Mantralaya.
5. On perusal of GR dated 19-08-2017 issued by R and F Department, Mantralaya it can be seen that Para-II of the said GR prescribes the procedure to be followed on account of Section-42C of the Maharashtra Land Revenue Code 1966 other than the region specified in Para-I of the said GR. The challan of Rs.8,820/- also shows that it is paid on account of non-agricultural assessment. The lay out plan specifically mentions that GAT No.32, Mouje Dharmapuri, Taluka and District Parbhani is non-agricultural land. The final approval of the land sub divisional/lay out issued by Sub Divisional officer, Parbhani dated 08-12-2023 also clearly shows that approval has been given to the land Gat No.32 Dharmapuri under

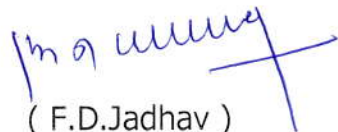
Section-18/44/58 of the Maharashtra Regional and Town Development Act, 1966 read with Section of Maharashtra Land Revenue Code 1966 to carry out development work in respect of land bearing city survey No/Gat No.32 Mouje Dharmapuri and finally approved and demarcated under Section 18/45 of Maharashtra Regional and Town Planning Act, 1966 subject to the terms and conditions mentioned thereunder.

6. On perusal of the aforesaid documents clearly shows that the Respondent has received N.A. permission from the Competent Authority for the project "Anand Vihar". However, it can be seen from the record that the Respondent has published the advertisement of the said project in daily newspaper 'Lokmat' on 12-11-2023. The Respondent has received the N.A. permission from the competent authority after the advertisement published in the daily newspaper. In other words, it can be said that this Respondent has published the advertisement of the project "Anand Vihar" prior to getting the N.A. permission from the competent authority. It clearly shows that this Respondent has violated Section-3 of the Act, 2016 which specifically states that no promoter shall advertise, market, book, sale 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. As admittedly the Respondent in this matter has published the advertisement in the newspaper 'Lokmat' prior to registering his project with the MahaRERA or getting N.A. Order from Competent Authority it can be said that this promoter has breached the provision of Section-3 of the Act, 2016. There is sufficient documentary proof to prove that advertisement of this real estate



project is published in the daily news paper much prior to getting N.A. permission/order. It manifestly shows this respondent promoter is liable for the breach of Section-3 of the Act, 2016.

7. In view of above, the penalty of Rs.40,000/- under Section-59 of the Act, 2016 is imposed upon the promoter for violation of Section-3 of Act, 2016.
8. The said penalty shall be payable by the promoter within 10 days from the date of this order, failing which promoter shall be liable to pay penalty of Rs.500/- per day, in addition, till the realization of the entire amount.

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