

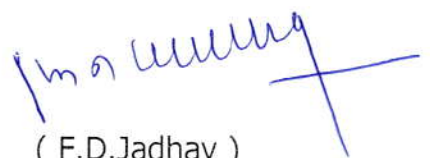
1. MahaRERA has initiated the present suo-motu proceeding against the respondent-promoter for publishing advertisement in daily newspaper "Lokmat", dated 19.10.2023 in respect of real estate projects by name (1) "Alok Residency" situated at Dongaon Road, Solapur and (2) "Sahyadri Park" situated at Mallikarjun Nagar, 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 show cause notice, respondent-promoter has filed reply on 16.01.2024. The respondent-promoter has contended in the said reply that the project "Sahyadri Park" is completed 100% and received N.A. order on 13.08.2015. The respondent has further

contended that the project "Alok Residency" is also completed 100% and received full Occupancy Certificate on 29.06.2023. According to the respondent as per circular No.25/2019 issued by MahaRERA, the real estate projects where promoter has received Completion Certificate/Occupancy Certificate/N.A. from Competent Authority, the said projects are excluded from MahaRERA registration.

3. Mr. Saklen Shaikh, A.R. has appeared for respondent. He has reiterated the contentions raised out by the respondent in its reply. A.R. Shri.Shaikh has argued that both these projects have been completed fully and received N.A. Order and Occupancy Certificate from the Competent Authority and therefore both these projects are exempted from registering with MahaRERA in view of circular No.25/2019.
4. The respondent has submitted N.A. Sanad dated 13.08.2015 issued by Tahsildar, uttar Solapur, Final permission to use the said lands for residential purpose issued by Solapur Municipal Corporation on 21-01-2014, Development permission dated 4-7-2015 issued by Solapur Municipal Corporation, Full OC dated 29-6-2023 issued by Solapur Municipal Corporation, sanction of building permission and commencement certificate dated 25-10-2023 and receipt No.2570 dated 9-10-2023 for the payment of building permission.
5. On perusal of the documents in respect of the project "Sahyadri Park" i.e. NA Sanad, permission for residential use and development permission in respect of survey No.167/2(a), situated at Solapur clearly indicates that the Competent Authority, has issued N.A. permission under Section-42A of the Maharashtra Land Revenue Code 1966. These documents manifestly shows that this project is exempted from

registration with MahaRERA by virtue of Clause-3 of Para-1 of the Circular No.25/2019.

6. So far as the second project "Alok Residency" is concerned it can be said that the Respondent has submitted full OC of the said project dated 29-06-2023 and sanction of building permission and commencement certificate as well as receipt of Municipal Corporation, Solapur dated 9-10-2023. Thus full OC of the said project clearly indicates that it falls within the scope of circular No.25/2019 issued by MahaRERA Authority on 11-10-2019. Clause-III of Para-1 of the said circular indicates that real estate project where promoter has received completion certificate/OC/NA (in case of plotted development) from Competent Authority, any time before agreement of sale or sale deed registration are excluded from MahaRERA registration.
7. Considering the documents furnished on record including NA permission and full OC it can be said that there is no any prima facie evidence to prove that this promoter has violated the provision of Section-3 of the Act, 2016. As such it can be said that this promoter has not breached the provision of the Section-3 of the Act, 2016.
8. In view of the above, the provision of the Section-3 of the Act, 2016 will not be attracted in this matter. Consequently penalty under Section 59 of the Act, 2016 cannot be invoked in this matter. This matter therefore disposed of without imposing any penalty.


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