

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

SUO MOTU ADVERTISEMENT CASE NO. 33 OF 2023

MahaRERA on its own Motion Complainant

Versus

M/s.Govinda Ganesha Infraspaces Respondent/ Promoter

MahaRERA Project Registration No. - P50300054287

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

CA Deepak Zambal appeared for the respondent/ promoter.

ORDER

02nd February 2024

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D) Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority had issued a show cause notice dated 23/10/2023 to the promoter above named for publishing an advertisements dated 17/09/2023 in the Lokmat and Sakal, Daily Newspaper, Amarvati in regard to the project "**Gokulam**", situated at Kathora, Amarvati without registering the

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same with the MahaRERA which is in violation of Section 3 of the Act-2016.

3. The promoter, by its reply dated 20/12/2023 to the said show cause notice dated 23/10/2023 had submitted that it had applied for MahaRERA registration on 16/11/2024 vide application No. REA50300149441.
4. In this regard, a hearing was scheduled on 02/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
5. During the hearing, the promoter submitted that the aforesaid project **"Gokulam"** advertised on 17/09/2023 in the Lokmat and Sakal, Daily Newspaper, Amarvati has been registered with MahaRERA on 15/01/2024 under MahaRERA project registration No. **P50300054287**.
6. In this regard, it is necessary to pursue the provision of Section 3 of the RERA which reads as under:
"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."
7. From the plain reading of Section 3, the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA.
8. In the present case, the Promoter had released full page advertisements of aforesaid project dated 17/09/2023 in the Lokmat and Sakal, Daily Newspaper, Amarvati in regard to the project **"Gokulam"**, situated at Kathora, Amarvati without registering the same with the MahaRERA. It has been established that the promoter has registered the aforesaid real estate project on 15/01/2024 with MahaRERA under MahaRERA Project Registration

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No. P50300054287 post publishing an advertisement of the aforesaid project. Henceforth, it becomes manifestly clear that the promoter has published an advertisement dated 17/09/2023 of the aforementioned project before registration of the project. Hence, the Promoter stands in violation of Section 3 of the Act -2016.

9. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 59 of the Act for violation of Section 3 of the Act-2016.
10. The said penalty shall be payable by the promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
11. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
12. With the above directions, the present case stands disposed of.

Sanjay Bhimanwar

(Sanjay Bhimanwar)

**Dy.Secretary,
MahaRERA,Nagpur.**