

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

SUO MOTU ADVERTISEMENT CASE NO. 34 OF 2023

MahaRERA on its own Motion

.... Complainant

Versus

Sonarikar land developers and builders Respondent/
Promoter

**MahaRERA Project Registration No. – Unregistered with
MahaRERA**

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

CA Mayank Saraf 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.

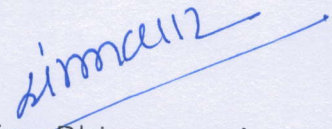
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2. The MahaRERA authority had issued a show cause notice dated 20/11/2023 to the promoter above named for publishing an advertisement dated 23/10/2023 & 24/10/2023, in the Prajawani, Nanded, Newspaper, in regard to the real estate project- Swami Samarth Nagari situated at Malegaon, -Nanded without registering the said real estate project with MahaRERA which is in violation of section 3 of the Act 2016.
3. The promoter, by its reply dated 25/01/2024 to the said show cause notice dated 23/10/2023 had submitted that the aforesaid project had been completed and received with final NA order from the competent authority.
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 submission.
5. During the hearing, the promoter submitted that the Promoter has already been completed and received with Final NA order from competent authority.
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 published an advertisement dated

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23/10/2023 and 24/10/2023 in the Prajawani, Daily Newspaper, Nanded without registering the said project with MahaRERA. However, since the said project is being a plotted development and Final NA order has already been received from the competent authority, the promoter is not in violation of section 3 of the Act 2016.

9. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)

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