

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

SUO MOTU ADVERTISEMENT CASE NO. 05 OF 2024

MahaRERA on its own Motion

.... Complainant

Versus

Deccan Group

...Respondent/ Promoter

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

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

Adv.Sushit Soni appeared for the respondent/ promoter.

ORDER

11th July 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 30/01/2024 to the Promoter above named for publishing an advertisement dated 26/11/2023, in the Lokmat newspaper,Nagpur in regard to the real estate project situated at Amravati -Nagpur road ,Nagpur without registering the said real estate project with MahaRERA which is in violation of section 3 of the Act 2016.

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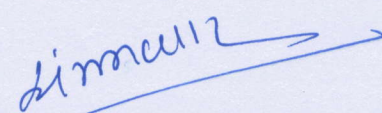
3. The promoter, by its reply dated 12/04/2024 to the said show cause notice dated 30/01/2024 had submitted that the said advertisement of the aforesaid project was for selling of agricultural land to an individual or group of individual in pursuant to the circular of GR issued dated 23/08/2023 with circular no 4/Pr. Kr.249/2013/1585 that provides for the selling of agricultural land in piece and fragment of 0.20HR minimum. The Promoter further submitted that aforesaid project was not for the selling of developed plots for residencial, commercial or industrial purpose with the promise to provide common amenities but purely for selling of land for the agricultural purpose only. The Promoter further submitted that the piece of land dealt by it was not having any relativity with definition of the Plot i.e. "Plot refers to a piece of land that is designated for individual ownership and does not include any superstructures or construction, typically sold or developed for residential, commercial or industrial purposes. The Promoter further furnished the GR copy, 7/12 extract for the said land.
4. In this regard, a first hearing was scheduled on 16/02/2024 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. The proceedings were adjourned to the next date for document submission. Accordingly, the next hearing was scheduled on 7/03/2024;21/03/2024;07/6/2024 and 11/07/2024, when the promoter appeared through its representative and was directed to furnish corrigendum in regard to the impugned advertisement dated 26/11/2023.
5. During the hearing, the Promoter submitted that the aforesaid project was for the selling of agricultural land to an individual or group of individuals in pursuant to the circular of GR issued on 23/08/2023 and not for the developed plots. The Promoter further submitted the impugned advertisement had mistakenly mentioned the selling of plots. The

Promoter further submitted that being agricultural land, it does not attract the Real estate regulation Act.

6. In this regard, it is necessary to peruse 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 26/11/2023 in the Lokmat newspaper, Nagpur without registering the said project with MahaRERA. However, from the submission of the Promoter and the documents on the record, it appears that the impugned advertisement was for the selling of agriculture land which does not come within the purview of section 3 of the Act -2016. Also, the Promoter has published the corrigendum in regard to the impugned advertisement. In view of this, the Promoter cannot be held liable for violation of section 3 of the Act 2016. Hence, 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.**