

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

SUO MOTU ADVERTISEMENT CASE NO. 07 OF 2024

MahaRERA on its own Motion Complainant

Versus

Maitri Group of Developers ...Respondent/ Promoter

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

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

No one 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

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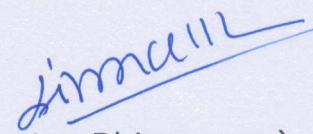
30/01/2024 to the Promoter above named for publishing an advertisement dated 24/12/2023 in Lokmat, E-paper, Amravati in regard to the real estate project- Vaibhav Laxmi Nagari situated at Murtizapur road, Daryapur, Distt-Wardha without registering the said real estate project with MahaRERA which is in violation of section 3 of the Act 2016.

3. The promoter, by its reply dated 10/02/2024 to the said show cause notice dated 30/01/2024 had submitted that the aforesaid project -Vaibhav Laxmi Nagari had been received with town planning sanction from the competent authority- on 27/09/2023. The Promoter further furnished the Tentative Approval letter vide Approval No. CCADC/LT/2023/APL/00025 and the Final approval letter vide Approval No. CCADC/LF/2024/APL/00023 issued by the Daryapur Municipal Council.
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 and made its submission. The proceedings were adjourned for written submission. The next hearing was scheduled on 21/03/2024 and 18/04/2024, when the Promoter remained absent even though the notice of the hearing and link of the hearing was duly served upon the Promoter. Hence, the next hearing was scheduled on 07/06/2024, when the Promoter appeared and made its submission. The Promoter was directed to submit supporting documents. Accordingly, the Promoter has submitted the documents. The next hearing was held on 11/07/2024, when the Promoter remained absent even though the notice of the hearing and link of the hearing was duly served upon the Promoter.
5. 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."

6. 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.
7. Also, in this regard, it is necessary to peruse the Circular No 25 / 2019 which reads as under:
Real Estate Projects that are excluded from MahaRERA Registration.
3. Real Estate Projects where Promoter has received Completion certificate / Occupancy certificates / N/A (in case of plotted development from Competent Authority any time before Agreement for Sale / Sale Deed Registration.
8. In the present case, the Promoter had published an advertisement dated 24/12/2023 in Lokmat, E-paper, Amravati in regard to the real estate project- Vaibhav Laxmi Nagari without registering the said project with MahaRERA. However, since the said project being a plotted development and as the Final approval has 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.**