

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.67 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shree Ganesh Developers

.... Respondent

Green Park  
Unregistered Project.

**Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head**

**Appearance :- Absent**

**ORDER**

25<sup>th</sup> October, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on 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 the provision of Section 3 by the promoter and to impose penalty under Section 61 of the Act for contravention of Section 11(2) of the Act etc. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. But promoter remained absent though reasonable opportunity of being heard is given to him.
2. MahaRERA Authority through a pamphlet circulated by the respondent-promoter, came to know that the respondent-promoter has issued an advertisement in respect of his real estate project by name, "GREEN PARK", situated at Survey No.69, near Indian Oil Pump, Nande, Tal. Mulshi, District Pune without registering the same with MahaRERA.

The said advertisement is silent as to whether the said real estate project is registered or not with MahaRERA. Therefore, on going through the record of MahaRERA, it has been found that the project of the Respondent is not registered with MahaRERA, as mandatory under Section 3 of the Act 2016. Therefore, by Show Cause Notice, dated 11.04.2023, the Respondent-Promoter was called upon to show cause as to why penal action under Section 3 r.w. 59 of the said Act should not be initiated against him. However, promoter has failed to file his reply to said show cause notice.

3. Later on notice of hearing, dated 04.08.2023 was issued to the respondent-promoter by post. The postal track report shows that on 17.08.2023 the notice was delivered to the respondent-promoter. However, the respondent-promoter did not appear on the date of hearing fixed on 22.08.2023. Therefore, again second notice of hearing was issued to the respondent-promoter by post on 23.08.2023 and respondent was called to attend physical hearing before this Authority on 29.08.2023. However, the said notice was returned with postal remark "Not present on the given address". Therefore, to give sufficient opportunity of hearing, again third notice of hearing was given to the respondent-promoter on 30.08.2023 and respondent was called upon to remain present physically before this Authority on 10.10.2023. However, the said notice was also returned with postal remark "Not present on the given address". In spite of sufficient opportunity of being heard is given, the promoter remained absent on the multiple dates of hearing and therefore, the matter was adjourned to 25.10.2023 for exparte order.

4. Perused the advertisement. It is a two colour pages advertisement. The name of the project is mentioned as "GREEN PARK". It further contains that it is a plotting project having areas of 1, 2, 3 to 11 Gunthas bungalow plots. Advertisement puts a question to public "Looking for dream home?". Location map is also provided in the advertisement.



People are invited to book the plot on the date of advertisement at the special offer price of Rs. 21.50. Amenities like light, water, drainage, 18 ft. cement road, demarcation to plot, planting trees, as per vastushastra, street light, large entrance gate and D.P. connection, etc. have also been mentioned. Contact Nos. 9561999613 and 9764009497 were also given. It is thus clear that the people are invited for booking in the said project.

5. Section 3 of the Act 2016 deals with prior registration of real estate project with Real Estate Regulatory Authority. The said Section 3 reads as under :-

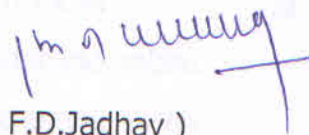
**"3.(1) – No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act;**

6. From the plain reading of Section 3, it is clear that the promoter is under obligation not to advertise, market, book, sell or offer for sale or invite persons to purchase any plot etc. without registering real estate project with MahaRERA. However, in the present case, promoter had published an advertisement without registering the project with MahaRERA. Therefore, it can be said this promoter has violated the provision of Section 3 of the Act of 2016.

7. In this matter, it is proved that this promoter had published advertisement. It is also proved that the impugned project was/is not registered with MahaRERA. Therefore, taking into consideration the facts and circumstances of the present case and failing the promoter to appear and defend his case, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.

8. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond doubt that the promoter has violated the provision of Section 3 of the Act, 2016 for publishing the advertisement without registering the project with MahaRERA.

9. Therefore, it is hereby directed that a written communication be sent to the concerned Planning Authority for the purpose of ascertaining whether the promoter has obtained any requisite authorization for the aforementioned project, and no additional authorization shall be granted for the said project until such time the aforementioned project has been duly registered with MahaRERA or obtains full occupancy certificate/completion certificate or N.A. order from competent authority. Moreover, it is directed that the concerned Registration and Stamp Office shall be instructed to abstain from registering any sale agreements within the said project, until such time as the project is duly registered with MahaRERA Authority or obtains full completion certificate or N.A. order from competent authority.

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