

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.17 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Saikrupa Builders & Developers Respondent
'Om Residency'
Unregistered Project

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

Appearance :- Absent

ORDER

2nd April, 2024

(Through Video Conferencing)

1. MahaRERA has issued a show cause notice, dated 21.12.2023 to the respondent-promoter calling upon him as to why penal action under Section 59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") shall not be taken against him for publishing an advertisement in daily newspaper "Lokmat", dated 26.11.2023 of real estate project by name "Saikrupa Nagar" situated at Chhatrapati Sambhaji Nagar without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016. The said show cause notice, dated 21.12.2023 has been returned unserved with the postal remarks "Addressee" is not living on the given address".
2. The Notice of hearing, dated 11.01.2024 was therefore, sent to the respondent-promoter for virtual hearing dated 30.01.2024. However, on that date the respondent did not appear for virtual hearing, dated 30.01.2024. The matter was therefore, adjourned and

posted to 16.02.2024, of which notice of hearing, dated 30.01.2024 was served to the respondent-promoter on his email id available with this office. However, on 16.02.2024 also the respondent-promoter remained absent and therefore, the matter was adjourned to 01.03.2024 and again notice was sent to the respondent-promoter. The respondent still remained absent on the date of hearing scheduled on 01.03.2024 and as a last chance, the matter was adjourned to 19.03.2024. On 19.03.2024 also respondent choose to remain absent for hearing. Since sufficient opportunity of being heard was given to the respondent, he remained absent for hearing and also failed to furnish his reply to the show cause notice, therefore, the matter was posted today for passing exparte order.

3. Perused the impugned advertisement published in daily newspaper "Lokmat" dated 26.11.2023, which mentions the name of project as "Saikrupa Nagar" having its address at Gat No. 129, adjacent to village pangra, Chitegaon-Pangra Road, opposite Aurangabad Electricals, Paithan Road, Chhatrapati Sambhaji Nagar. It has been mentioned in the said advertisement that it has NA-44 sanctioned layout and plot of size 2700 (main road)/1200 sq. ft. The amenities shown therein such as cement road, drainage, street light, separate tap connection, wall compound and gate, clear title, NA-44 layout town planning sanction. The price of the plot of 1200 sq. ft. is mentioned at Rs. 12,00,000/-. The said advertisement also speaks that sale of plot is on at the reasonable rate and loan facility from all nationalized banks is available. The scanner for google map location is also given. Three contact numbers are also published for booking purpose.

4. Thus by the said advertisement, promoter has invited the public at large to book the plot in the said project. The MahaRERA

Registration of project record shows that no such real estate project is registered with MahaRERA. Therefore, it can be said that the said project is unregistered one though liable to be registered with MahaRERA under Section 3 of the Act, 2016.

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. This project is of plotting project. It has been mentioned in the said advertisement that the project has NA-44 sanctioned layout. The promoter had given sufficient opportunity of being heard and to produce documents showing that the project has received N.A. order, and sanctioned layout plans from the competent authority. However, the promoter neither appeared in the matter nor has produced any such document. 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 impugned 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 despite sufficient opportunity of being heard was given to him, 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 the charges leveled in the matter has been proved beyond reasonable doubt. As such this promoter has violated the provision of Section 3 of the Act, 2016 by publishing the advertisement without registering the project with MahaRERA though liable to be registered 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