

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO. 148 OF 2023**

MahaRERA on its own Motion .... Complainant

Versus

Laxmi Raman Properties .... Respondent

- 1) "Sai Ramkrushna Heights"
  - 2) "Sai Vijay"
  - 3) "Sai Swapnasheel"
  - 4) "Sai Classic"
- Unregistered Projects.

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

**Appearance :-** Mr. Balasaheb Reddy & Mr. Amol Mulay for the respondent.

**ORDER**

19<sup>th</sup> April, 2024  
(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has issued show-cause notice, dated 17.11.2023 to the respondent-promoter for publishing an advertisement in daily newspaper "Lokmat-Hello Latur", dated 22.10.2023 in respect of his real estate projects (1) "Sai Ramkrushna Heights", (2) "Sai Vijay", (3) "Sai Swapnasheel" and (4) "Sai Classic", all situated at Latur without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016").
2. In response to the said show cause notice, dated 17.11.2023, the respondent-promoter has filed his reply dated 04.01.2024 and contended that the project land area of the first two projects are 490 sq. mtrs. and 347 sq. mtrs. respectively. The respondent has further

contended that the third project i.e. "Sai Swapnasheel" comprises two categories i.e. (1) Plot of land area admeasuring 326 sq. mtrs., village Kanheri and (2) 2 BHK flats admeasuring 325 sq. mtr. and 3 BHK flats admeasuring 476 sq. mtrs. respectively. The respondent has further contended that the last and fourth project "Sai Classic" is duly registered with MahaRERA under Registration No. P52400030488, dated 25.08.2021 and this project is completed and the plot area conforms to the registered details 255.57 sq. mtrs. The respondent has further contended that considering the area of the project land of the first three projects, the said projects fall under the exemption category for projects with less than 500 sq. mts. as per Section 4(1)(a) of the RERA Act, therefore, registration with MahaRERA is not mandatory for these projects.

3. Mr. Balasaheb Reddy and Mr. Amol Mulay, partners of respondent appeared in the matter. However, during the course of hearing, none of them appeared and argued the matter. Therefore, on the basis of the reply furnished on behalf of respondent-promoter and the documents submitted by them, the present matter is being decided.

4. Section 3 of the Act 2016 deals with the present case. Considering the contentions raised in the matter, Section 3(2)(a) deals with exemptions from sub-section 1 of Section 3. It reads as under :-

**"Section 3 - (2) Notwithstanding anything contained in sub-section (1) no registration of the real estate project shall be required –**

**(a) where the area of land proposed to be developed does not exceed five hundred square meters or the**

**number of apartments proposed to be developed does not exceed eight inclusive of all phases."**

5. In this regard, the reference of Circular No. 25/2019 dated 11<sup>th</sup> Oct.2019 and Circular No.25A/2023, dated 09.06.2023 issued by MahaRERA Authority is necessary. Para I of the Circular No.25/2019 deals with Real Estate Projects that are excluded from MahaRERA Registration. Clause 1 of para I of the said circular specifically states that real estate projects where the area of land proposed to be developed is less than or equal to five hundred square meters are excluded from MahaRERA Registration.

6. MahaRERA Appellate Tribunal in its majority judgment, as mentioned in Circular No. 25A/2023, held as under :-

**"Keeping in view the settled law on interpretation of a statute and language of clause (a) of Section 3(2) of the Act of 2016, we are of the firm view that on the happening of any of the two contingencies i) the area of land proposed to be developed does not exceed 500 sq. mtrs. or ii) the number of apartments proposed to be developed does not exceed eight inclusive of all phases, project needs no registration under sub-section (1) of Section 3 of RER Act. The unambiguous language of clause (a) of Section 3(2) of the Act of 2016 makes it clear that "or" is to be read disjunctively and not conjunctively as conjunctive reading would make legislature intent redundant and would amount to changing the texture of the fabric which is not permissible in law."**

7. Circular No. 25A/2023 mentions the clarification given by MahaRERA Appellate Tribunal (supra) which are as under :-



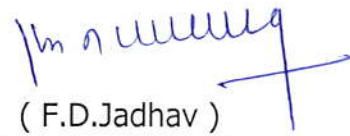
- "1) Real Estate Projects where the area of land proposed to be developed is less or equal to five hundred square meters shall not require MahaRERA Project Registration irrespective whether the numbers of apartments/units proposed to be developed is less than or more than eight apartments/units as the case may be inclusive of all phases.**
- 2) Real Estate Projects where number of apartments/units proposed to be developed is less or equal to eight apartments/units inclusive of all phases shall not require MahaRERA Project Registration irrespective whether the area of the land proposed to be developed is less than or more than five hundred square meters."**

8. Considering Section 3(2)(a) of the Act, 2016 as well as ratio laid down by MahaRERA Appellate Tribunal and the Circulars issued by MahaRERA Authority mentioned above it is abundantly clear that if the land area of the projects to be developed are less than five hundred meters, then such project needs no registration. In this matter this respondent has submitted copy of property card of City Survey No.1861 of village Latur, Tal. & District Latur, shows that the area of the plot is 417.4 sq. mtrs. (Sai Ramkrishna Project). The respondent has further furnished on record copy of 7/12 extract and 8-A Extract of land Gat No. 70/4C of village Khandgaon, Tal. Latur, District Latur. The total area of the said land is 1 H. 53 Are whereas the holding of Shri Ramkrishna Shripatrao Joshi and Swapnali Ramkrishna Joshi shows as 00 H. 03.50 Ares (Sai Vijay Project). The respondent has further furnished on record copy of 8-A extract of Survey No. 21/1/2 owned by Shri Suhas Baliram Palapure and the holding area is shown as 00 H. 03.26 Are (Sai Swapnasheel Project)

This clearly indicates that the areas of these 3 projects "Sai Ramkrishna Heights", "Sai Vijay" and "Sai Swapnasheel" are less than five hundred meters. This evidence manifestly proves that these projects need no MahaRERA Registration. In other words it can be said this promoter has sufficiently proved that there is/was no necessity to register these 3 projects with MahaRERA as the area proposed to be developed under these 3 projects are less than or equal to five hundred meters.

9. So far as the last and fourth project "Sai Classic Apartment" is concerned, the respondent has contended that this project is registered with MahaRERA under Registration No. P52400030488, dated 25.08.2021 and this project is completed and plot area conforms to the registered details 255.57 sq. mtrs. On perusal of MahaRERA Project Registration status, it appears this project is registered with MahaRERA under the aforesaid registration number. Therefore, the charges leveled in the show cause notice i.e. violation of Section 3 against the respondent are not correct and proper.

10. Considering the factual aspect of this matter as well as law discussed hereinabove, there is no hesitation to hold that there was no necessity to register the first three projects with MahaRERA as this project falls within the scope of Section 3(2)(a) of the Act 2016 and clause 2 of para I of Circular No.25/2019 issued by MahaRERA. The fourth project is already registered with MahaRERA. In view of this, it is abundantly clear that violation of Section 3 of the Act, 2016 by this promoter is not proved. As such this is not a fit case to impose penalty in the matter under Section 59 of the Act, 2016. This matter is disposed of accordingly.

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

