

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.78 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shri Atul Shashikant Wable

.... Respondent

Rutugandh Plotting Scheme.
Unregistered Project.

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

Appearance :- Absent

ORDER

24th November, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has been informed through a 'source complaint' that the respondent-promoter has launched a plotting scheme under the name and style "Rutugandh Plotting Scheme", which is not registered with the MahaRERA. MahaRERA has also noticed that an advertisement of a real estate project namely "Rutugandh" a bungalow plotting scheme, situated at Gat No.164, Near Mukai Lawns, Opp. Federal Bank, Paud Road, Bhukum, Pune, has been published by the respondent-promoter in social media "facebook", inviting the public at large to book the plot in the said project and the said advertisement is not having mention of MahaRERA Project Registration number. Therefore, to ascertain whether the said project is registered with MahaRERA or not, project registration record of MahaRERA was searched and it has been found that the impugned project is not registered with MahaRERA. Taking cognizance of the said advertisement, as well as fact of not registering the said project with MahaRERA, a show cause notice, dated 23.08.2023 has been issued to the respondent-promoter by post as well as email address

of respondent-promoter, whereby respondent was called upon to show cause as to why penal action under Section 59 of the Act, 2016 should not be taken against him for violation of Section 3 of the Act, 2016.

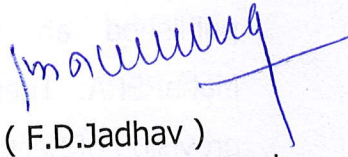
2. The respondent-promoter did not furnish his reply. Notice of hearing was also sent on the email address of the respondent-promoter, but the respondent-promoter has not appeared before this Authority on the scheduled dates of virtual hearing. Therefore, after giving sufficient opportunity of hearing to the respondent-promoter, the present matter has been fixed for passing exparte order.
3. Perusal of the said advertisement, shows it is named as "Rutugandh" Bungalow Plotting Scheme at Bhukum, Pune launched in total 5 acres of land containing plots of 2 Gunthas and above and an offer of free Aactiva vehicle has been given to the buyers for purchase of 3 Guntha plots. Picture of a two wheeler is shown in the advertisement. Contact Nos. 8432090606 and 8432560606 are also mentioned in the advertisement. The site address of the said project is also given in the said advertisement. The project is shown to be developed by "Sadiccha Developers". It is thus clear that the people are invited for booking in the said project with attractive offer of free activa vehicle.
4. 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;

5. 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.
6. 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. The evidence adduced in this matter remained unrebutted by virtue of non-appearance of respondent. Therefore, taking into consideration the facts and circumstances of the present case, relevant provisions of law and failing the promoter to appear and defend his case though ample opportunity was given to him, it can be said that this promoter is in clear violation of Section 3 of the Act of 2016.
7. 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.
8. 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.

9. In view of the above, present case stands disposed off.


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