

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

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 119 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

The Ideal Construction

.... Respondent-Promoter

**NAME OF THE PROJECT : Green Avenue
Unregistered Project**

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

Appearance :- Mr. Anand Bhogale for Respondent-Promoter

ORDER

19th July, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 23.05.2024 to the respondent and thereby informed that the advertisement published by the respondent on website in respect of a real estate project under the name "Green Avenue" does not contain MahaRERA Registration number and QR Code and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016. ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than June 11, 2024.
2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 23.05.2024, the ASCI has sent mail, dated 14.06.2024 and referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.

3. On the basis of mail dated 14.06.2024 sent by ASCI, a notice of hearing has been sent to the respondent on 08.07.2024 for attending the virtual hearing, dated 19.07.2024.
4. Respondent-promoter has filed his reply, dated 17.07.2024. It is contended by the respondent that the area of plot is 472.70 sq. mtrs. and the total number of the flats are 7 and therefore, as per provisions of Section 3(2)(a) of the Act, 2016 the project does not require registration.
5. Mr. Anand Bhogale, General Manager of respondent appeared in the matter. He has reiterated the contentions raised out by the respondent in his reply. He has submitted that the plot area of the project is below 500 sq. mtrs. and the total number of flats is 7 therefore, according to him the project is exempted from registration with MahaRERA as per the provision of Section 3(2)(a) of the Act, 2016.
6. Perused the impugned advertisement published by promoter on his website. Also perused the copies of the documents produced by the respondent viz. (1) property card of City Survey No. 484/C/8 of village Kasba Bawda, Tal. & Dist. Kolhapur, (2) revised commencement certificate, dated 10.11.2023 issued by the Kolhapur Municipal Corporation and (3) sanctioned building plan.
7. Section 3 of the Act, 2016 deals with registration of the real estate project with the Real Estate Registration Authority. **Sub-section (2)(a) of Section 3 states as follows :-**

"Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required

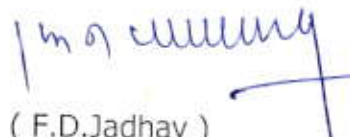
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(a) where the area of land proposed to be developed does not exceed five hundred square meters or the

number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act."

8. Respondent/promoter has filed documents to prove that his project area is less than 500 sq. mtr. as well as total apartments are not exceeding eight. Perused the documents property extract, commencement certificate and layout sanctioned plan of the project "Green Avenue". The said documents clearly shows that the project land is 472.70 sq. mtr. and the total number of apartments to be constructed are only 7. It manifestly indicates that this project squarely falls within the scope of Section 3(2)(a) of the Act, 2016.
9. Considering the evidence on record adduced by the respondent-promoter and the provisions of the Act, 2016 it can be said, no case is made out against the respondent-promoter for violation of Section 3 of the Act, 2016. There is no iota of evidence to prove that this respondent has breached the Section 3 of the Act of 2016. Under these circumstances, Section 59 of the Act of 2016 cannot be invoked in the matter. Consequently, the question of imposition of penalty under Section 59 of the Act, 2016 would not arise.
10. The matter therefore, stands disposed off without imposing any penalty.


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