

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

**SUO MOTU ADVERTISEMENT CASE NO. 14 OF 2023**

MahaRERA on its own Motion .... Complainant  
Versus  
Raghav Residency .... Respondent/ Promoter

**MahaRERA Project Registration No. – Unregistered**

**Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA**

Shri. Ajinkya Deshpande appeared for the respondent/ promoter.

**ORDER**

10<sup>th</sup> October 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me 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 section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority had issued a show cause notice dated 21/06/2023 to the promoter above named for publishing an advertisement dated 08/04/2023, in the Lokmat, Ch. Sambhaji Nagar Newspaper, in regard to the project, situated at Venkatesh Nagar, Ch. Sambhaji Nagar without registering the aforesaid project with MahaRERA which is in



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violation of section 3 of the Act-2016.

3. The promoter, by its reply dated 21/06/2023 to the said show cause notice dated 21/06/2023 had submitted that the aforesaid project was built on plot area of 4000sq.ft.(less than 5000sq.ft) and hence, the project was not required to comply with RERA.
4. In this regard, a hearing was scheduled on 10/08/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared and made its submission. After hearing the submission, the proceeding had been adjourned to the next date for the submission of supporting documents.
5. As per the directions, the promoter had submitted the scanned copy of the sanction plan via email of the aforementioned project showing the land area less than 500sq.mtrs.
6. In this regard, a hearing was scheduled on 29/08/2023 when the promoter remained absent even though the notice and link of the hearing was duly served upon the promoter and hence, in compliance with the principle of natural justice, the proceedings were adjourned to the next date. Accordingly, a hearing was scheduled on 10/10/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared and made its submission.
7. During the hearing, the Promoter submitted that the aforesaid project advertised in the Lokmat newspaper dated 08/04/2023 has a land area 382.10sq.mtr.The promoter further submitted that as the project land area is less than 500sqmtr, it does not require MahaRERA registration.
8. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:



***(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."***

***(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:***

9. From the plain reading of Section 3(1), the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA. Further, according to section 3(2) registration of real estate project shall not be required where 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.

10. Also, in this regard, it is necessary to peruse the Circular No 25A / 2023 which reads 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.***

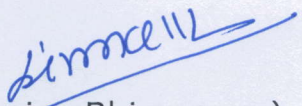
11. In the present case, the Promoter had published a full-page advertisement dated 08/04/2023 in the Lokmat newspaper without registering the said project with MahaRERA. However, it has been established from the supporting documents that the aforementioned project has a land area



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less than 500sq.mtrs., and therefore, does not require MahaRERA registration. Hence, the promoter is not in violation of section 3 of the Act 2016.

12. In view of the above, the present case stands closed.

  
(Sanjay Bhimanwar)  
**Dy.Secretary,  
MahaRERA,Nagpur.**