

**SUO MOTU ADVERTISEMENT
CASE NO. 36 OF 2023**

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

SUO MOTU ADVERTISEMENT CASE NO. 36 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Vikas Developers

.... Respondent/ Promoter

MahaRERA Project Registration No. – Unregistered with MahaRERA

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent / Promoter.

ORDER

26th July 2023

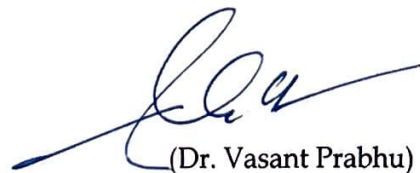
(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 28/03/2023 to the Promoter above named for publishing an advertisement dated 24/03/2023 in Lokmat Newspaper without registering the said project with MahaRERA Authority, situated at Aurangabad.
2. During the previous hearing dated 02/06/2023, the Promoter had made a submission asserting that the said project is situated on a plot measuring 335.50 sq meters and represents a joint venture between the Landowner and the Promoter. The Promoter had submitted that the said project encompasses a total of 12 units, out of which 7 units shall be allocated to the landowner, while the remaining 5 units shall be retained by the Promoter for the sale. The Promoter had clarified that the Landowner's 7 units shall not be made available for sale, leaving only 5 units for prospective buyers. Furthermore, the Promoter had stated that no bookings had been accepted with regard to the said project.
3. Accordingly, the Promoter was hereby directed to furnish the necessary land documents and approved plans within a period of 7 days from the date of hearing. However, the Promoter failed to furnish the necessary documents.
4. In this regard, a hearing was scheduled on 26/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter appeared through its representative and made its submissions.

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5. During the aforementioned hearing, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Respondent.
6. In this regard, it is necessary to peruse the provisions of Section 3 of the RERA which reads as under:

"3. 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."
7. An interpretation of Section 3 reveals that the Promoter is legally obligated to refrain from engaging in activities such as advertising, marketing, booking, selling, or inviting individuals to purchase any plot, apartment, or building unless the real estate project in question has been duly registered with MahaRERA.
8. In the present case, it has been established that the Promoter had released a small-sized advertisement in the Lokmat Newspaper without fulfilling the requisite registration process with MahaRERA for the advertised project.
9. Therefore, it is hereby directed that a written communication to be sent to the Planning Authority, for the purpose of ascertaining whether the Promoter has obtained any requisite authorisation for the aforementioned project, and no additional authorisation shall be granted for the said project until such time as the aforementioned project has been duly registered with MahaRERA. Moreover, it is directed that the 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, in accordance with the stipulations outlined in the said Act.
10. With the above directions, the present case stands disposed of.


(Dr. Vasant Prabhu)

Secretary, MahaRERA