

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

SUO MOTU ADVERTISEMENT CASE NO. 39 OF 2023

MahaRERA on its own Motion Complainant

Versus

Varad Group ...Respondent/ Promoter

**MahaRERA Project Registration No. – Unregistered with
MahaRERA**

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

CA Akash Patni appeared for the respondent/ promoter.

ORDER

13th February 2024

(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

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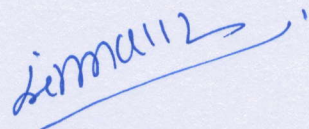
25/04/2023 to the promoter above named for publishing an advertisement dated 16/04/2023, in the Divya Marathi, Newspaper, Ch. Sambhaji Nagar in regard to the real estate project- Varad Vishwa situated at Mauza-Beed bypass road, Devrai, Ch. Sambhaji Nagar without registering the said real estate project with MahaRERA which is in violation of section 3 of the Act 2016.

3. The promoter, by its reply dated 12/02/2024 to the said show cause notice dated 25/04/2023 had submitted that the aforesaid project -Varad Vishwa had been completed and received with final NA order from the competent authority-Upper Tahsildar Karyalaya, Aurangabad. The promoter further submitted that the aforesaid project was purely plotting project, and the development work of the aforesaid project was completed in all aspects including road, streetlights, underground drainage and water supply, compound wall and open space as per the conditions laid down in NA order. The promoter further submitted that the aforesaid project was divided into 06 blocks and had received with a separate NA order dated 07/10/2022 from the competent authority-Upper Tahsildar Karyalaya, Aurangabad. The Promoter had further furnished the NA order dated 07/10/2022 received from Upper Tahsildar Karyalaya, Aurangabad and also the respective layout sanction plans sanctioned by the Aurangabad Municipal Corporation, Aurangabad.
4. In this regard, a hearing was scheduled on 13/02/2024 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 submission.
5. During the hearing, the promoter submitted that the project has already been completed, developed in all aspects and received with Final NA order dated 07/10/2022 from competent authority. The promoter further submitted the project was already handed over to the Planning Authority.
6. In this regard, it is necessary to pursue the provision of Section 3 of the RERA which reads as under:

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"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. From the plain reading of Section 3, 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.
8. Also, in this regard, it is necessary to pursue the Circular No 25 / 2019 which reads as under:
Real Estate Projects that are excluded from MahaRERA Registration.
3. Real Estate Projects where Promoter has received Completion certificate / Occupancy certificates / N/A (in case of plotted development from Competent Authority any time before Agreement for Sale / Sale Deed Registration.
9. In the present case, the Promoter had published an advertisement dated 16/04/2023 in the Divya Marathi Newspaper, Ch.Sambhaji nagar without registering the said project with MahaRERA. However, since the said project being a plotted development and Final NA order being received on 07/10/2022 prior to the date of advertisement of the aforesaid project, the promoter is not in violation of section 3 of the Act 2016.
10. In view of the above, the present case stands closed.


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