

**SUO MOTU ADVERTISEMENT
CASE NO. 141 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 141 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Radiant Developers

.... Respondent/ Promoter

MahaRERA Project Registration No. – Unregistered Project

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent / Promoter.

ORDER

28th November 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 04/10/2023 to the Respondent above named for publishing an advertisement dated 16/09/2023 and 17/09/2023 in Maharashtra Times and Mirror Newspapers respectively in respect of their real estate project situated at Mumbai without registering the said project with MahaRERA Authority.
2. The Promoter, inspite receiving the show cause notice dated 04/10/2023, failed to show cause to the same within the time period stipulated in the said show cause notice.
3. In this regard, a hearing was scheduled on 28/11/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Respondent appeared through its representative and made its submissions.
4. During the course of 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 Promoter.

**SUO MOTU ADVERTISEMENT
CASE NO. 141 OF 2023**

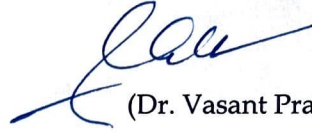
5. In this regard, it is necessary to peruse the provisions of Section 3 of the RERA which reads as under:

"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."

6. 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.
7. In the present case, it has been established that the Promoter had published an advertisement in Maharashtra Times and Mirror Newspapers dated 16/09/2023 and 17/09/2023 without fulfilling the requisite registration process with MahaRERA Authority for the advertised project.
8. Therefore, it is hereby directed that a written communication 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.

**SUO MOTU ADVERTISEMENT
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9. With the above directions, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA