

**SUO MOTU ADVERTISEMENT
CASE NO. 142 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 142 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Hetali Group

.... Respondent/ Promoter

MahaRERA Project Registration No. - Unregistered with MahaRERA

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Mr. Jayesh Pandya appeared for the Respondent/ Promoter.

ORDER

28th November 2023

(Through Video Conferencing)

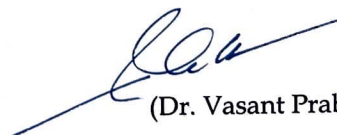
1. The MahaRERA Authority had issued a show cause notice dated 04/10/2023 to the Promoter above named for issuing an advertisement in Maharashtra Times & Times of India Newspapers dated 09/09/2023 and Mirror Newspaper dated 17/09/2023 in respect of their real estate project "Het Kunj Juhu," situated at Vile Parle, without registering the project with MahaRERA.
2. Through its written reply dated 11/10/2023, the Promoter had submitted that he is the owner of then existing building "Hetkunj" then standing on the plot - C.T.S. No. 223 of Village Vile Parle. The said building was occupied by tenants. However, since the said building was in a dilapidated condition, the same was demolished by the local Municipal Authority under the provisions of Section 354 of MMC Act and Rules. The Promoter further stated that he is intending to reconstruct the said building for the purpose of rehabilitating the tenants/owners and to sell the remaining apartments to prospective buyers. The Promoter further asserted that the area of the said plot is 490.10 sq. mtrs. and the total number of saleable apartments are 3.
3. In this regard, a hearing was scheduled on 28/11/2023 through video conferencing

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as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter can appear through its representative and make its submissions.

4. During the course of the proceedings, the Promoter submitted that the area of the said plot to be developed is 490.10 sq. mtrs. and therefore, they are exempted from registering the said project "Hetkunj Juhu" with MahaRERA Authority.
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. However, in accordance with the Promoter's submission and relevant land documents and the sanctioned plans, the land parcel proposed to be developed, do not exceed 500 sq. mtrs. and therefore, the Promoter is not in violation of Section 3 of RERA.
8. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)
Secretary, MahaRERA