

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

SUO MOTU ADVERTISEMENT CASE NO. 34 OF 2024

MahaRERA on its own Motion Complainant

Versus

W N G Corp Respondent/ Promoter

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

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

No one appeared for the respondent/ promoter.

ORDER

22nd October 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 has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from 01.08.2023, promoter shall prominently display the QR Code on each and every real estate project promotion / advertisement published in the

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 34 OF 2024**

mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No.46/2023 dated 29.05.2023, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.

3. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 23/04/2024 to the Promoter above named for issuing an advertisement on Facebook namely"
<https://www.facebook.com/100085541324139/videos/1112320533536739;>
<https://www.facebook.com/photo?fbid=385577374303637&set=a.111196695075041>
<https://www.facebook.com/100085541324139/videos/377989035010624>

dated 20/02/2024;27/02/2024;28/02/2024;19/03/2024 & 29/03/2024 in regard to their real estate project "Raghunandan Residency" situated at Amravati without incorporating MahaRERA registration Number, MahaRERA Website Address and the Quick Response (QR) Code of the said real estate project in the said advertisement.

4. The Promoter, in spite of having received the intimation letter dated 23/04/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
5. In this regard, the first hearing was scheduled on 09/07/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter. Hence, in compliance with the principle of natural justice, the matter was adjourned to the next date of the hearing, The next hearing was scheduled on 05/09/2024, when the promoter appeared through its representative and made its submissions. During the hearing, the Promoter through its representative submitted that the plot area of the aforesaid project is less than 500Sq.mt. and no. of units are less than 08, hence, the project does not require to comply with RERA. The

Promoter was directed by the MahaRERA authority to furnish the supporting documents. According to the direction issued by the MahaRERA authority, the Promoter by its written submission, dated 18/09/2024, has furnished the sanction plan of the aforesaid project sanctioned by the Amravati Municipal Corporation, Amravati, Commencement certificate dated 09/11/2023 issued by Amravati Municipal Corporation, Amravati along with other supporting documents mentioning the land area as 215.75 Sq.Mtr. of the aforesaid project. In this regard, the next hearing was scheduled on 22/10/2024, when the Promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter.

6. 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:

7. 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 hundreds square meters, or the number of apartments proposed to be developed does not exceed eight inclusive of all

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 34 OF 2024**

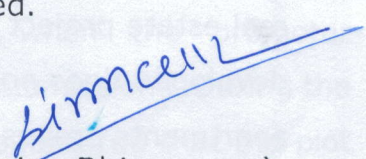
phases.

8. 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.

9. In the present case, the Promoter had published a advertisement on Facebook dated 20/02/2024;27/02/2024;28/02/2024;19/03/2024 & 29/03/2024 without incorporating MahaRERA registration Number, MahaRERA Website Address and the Quick Response (QR) Code of the said real estate project in the said advertisement. The Promoter remained absent frequently for the hearings scheduled. However, the Promoter has filed its written submission dated 18/09/2024 along with the supporting documents. From the sanction plan and the other supporting documents on records of the aforesaid project, it appears that the land area of the aforesaid project is less than 500sq.mtr and no. of units are less than 08. Hence, the promoter does not require to comply with MahaRERA registration process. In view of this, the Promoter cannot be held liable for violation of Section 11(2) of the Act-2016 and MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 for not mentioning/incorporating MahaRERA registration Number, MahaRERA Website Address and the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.

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


(Sanjay Bhimanwar)

**Dy.Secretary,
MahaRERA,Nagpur.**