

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.14 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Jain & Associates  
'Abhinandan Vatika'  
Unregistered Project

.... Respondent

**Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head**

**Appearance :- Absent**

**ORDER**

12<sup>th</sup> April, 2024

(Through Video Conferencing)

1. MahaRERA has issued a show cause notice, dated 23.11.2023 to the respondent-promoter calling upon him as to why penal action under Section 59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") shall not be taken against him for publishing an advertisement in daily newspaper "Lokmat", dated 24.10.2023 of real estate project by name "Abhinandan Vatika" situated at Malegaon Road, Nanded without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Act, 2016.
2. The respondent though served with the aforesaid show-cause notice, failed to furnish his reply. Therefore, Notice of hearing, dated 30.01.2024 was sent to the respondent-promoter for virtual hearing dated 16.02.2024. The respondent by email, dated 6<sup>th</sup> Feb.2024, contended that the communication is being made by Nagpur RERA Office as well as Pune RERA Office with regard to the publication of the aforesaid advertisement and on 02.02.2024 the complete reply has been given during the virtual hearing through video conferencing at Nagpur

RERA Office. Respondent has further contended in the said email that he is annexing a copy of the said letter of Nagpur received on 30.01.2023 along with the said email.

3. Perused the Show Cause Notice, dated 20.11.2023 issued by MahaRERA, Nagpur Division to the respondent-promoter, wherein the publication of advertisement of the real estate projects (i) Jagannath Residency, (ii) Sai Apartment and (iii) Abhinandan Vatika has been made in "Prajawani, Nanded", dated 23.10.2023 and 24.10.2023, whereas the show cause notice dated 23.11.2023 has been issued by MahaRERA, Pune in relation to the advertisement published in daily newspaper "Lokmat", dated 24.10.2023 in regard to the real estate project of the respondent "Abhinandan Vatika". It shows that the show cause notice, dated 23.11.2023 issued by MahaRERA, Pune is altogether different advertisement of the same project in daily newspaper "Lokmat", dated 24.10.2023 than the advertisement published in "Prajawani, Nanded", dated 23.20.2023 and 24.10.2023.
4. However, since the real estate project of the advertisement mentioned in the show cause notice, dated 20.11.2023 issued by MahaRERA, Nagpur and the advertisement mentioned in the show cause notice, dated 24.10.2023 issued by MahaRERA, Pune are in respect of one and the same project, and legal issue involved in both these matters are same, this Authority thinks it fit to go through the verdict of the MahaRERA Nagpur in respect of the matter before it, dated 02.02.2024.
5. It has been mentioned in the Order, dated 2<sup>nd</sup> Feb. 2024 passed by the MahaRERA Authority, Nagpur in their Suo-Motu Advertisement/Nagpur/Case No. 36 of 2023 that the promoter has filed his reply dated 02.02.2024 and contended therein that the aforesaid projects were built on plot less than 500 sq. mtrs. and hence MahaRERA

Registration was not applicable to these projects. The promoter appears to have submitted sanction plans of the aforesaid projects sanctioned by Nanded-Waghala Municipal Corporation and other supporting documents in the matter before Nagpur Bench. It has been observed in the said order by Nagpur MahaRERA Authority that the promoter had published a quarter page advertisement, dated 23.10.2023 and 24.10.2023 in Prajawani, daily newspaper, Nanded without registering the said project with MahaRERA. After considering Section 3(2)(a) and Circular No.25A/2023, the MahaRERA Authority, Nagpur has held as under :-

**"However, it has been established from the supporting documents that the said projects have a land area less than 500 sq. mtr. hence the promoter is not in violation of Section 3 of the Act of 2016."**


5. In the case in hand, though the respondent-promoter has not filed any reply to the said show cause notice, dated 23.11.2023 as well as not submitted any document to show that the said real estate project is exempted from the RERA Registration or not, a judicial note has to be taken of the order, dated 02.02.2024 passed by the MahaRERA Authority, Nagpur in their Suo-Motu Advertisement/Nagpur/Case No. 36 of 2023, which is in relation to the same issue and same project "Abhinandan Vatika".
6. As this respondent has submitted relevant documents before the Nagpur MahaRERA Authority to show that the plot area of the same project 'Abhinandan Vatika' is below 500 sq. mtrs. and the said Authority after perusing the relevant documents and relevant provisions of law and circulars, came to the conclusion that the said project land area is below 500 sq. mtrs., this Authority at Pune can take judicial note of the said findings to come to the conclusion that the plot area of the land is below 500 sq. mtrs. and therefore, registration of the project



with MahaRERA will not be necessary as per Section 3(2)(a) of the Act, 2016 and clause (3), para I of the Circular No.25/2019 issued by MahaRERA Authority.

7. In view of above, it is crystal clear that this project squarely falls within the four corners of Section 3(2)(a) and Circular No.25/2019 and 25A/2023 so far as total land area of plot is concerned and thus this project needs no registration with MahaRERA as discussed hereinabove. Considering the discussion hereinabove, it can be said that there is no necessity to register this project with MahaRERA as earlier held by the similar Authority to this Authority viz. Nagpur, MahaRERA in its decision, dated 02.02.2024. As such, there appears no violation on the part of the respondent under Section 3 of the Act, 2016.

8. The present matter, therefore, disposed off accordingly.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune