

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 204 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

1. M/s. Deshpande Realty LLP
(Prasad Deshpande Venture)

2. Shri Pranav Shendkar,
Director, Global Group, Pune.

.... Respondents

"Lokmanyagar Building No. 36, 37 & 39

MHADA Colony Rehabilitation Project" – Unregistered Project

Appearance :-

Complainant Mr. D.P. Kulkarni : Adv. Sangram Dhavale

Respondent No. 1 : Adv. Onkar Wable i/b Adv. Anuraj Subhash Talekar
Mr. Bhushan Saindane, A.R.

Respondent No. 2 : Absent

ORDER

31ST JULY, 2025

(Through Video Conferencing)

1. Mr. D.P. Kulkarni, the original complainant had lodged complaint, dated 21.10.2024 with MahaRERA Authority contending that rehabilitation proposal of the Building No. 36, 37 and 39 of Lokmanyagar Colony, Pune is pending for approval with Maharashtra Housing And Area Development Authority (MHADA). However, the Promoter has published an advertisement of the said real estate project on the hoarding and also

in the newspaper Times of India, dated 05.10.2024 and started obtaining booking amount from the intending purchasers.

2. On the basis of the said complaint, MahaRERA Authority, Pune has issued show cause notice, dated 28.10.2024 to the Respondents calling upon them to show cause as to why penal action under Section 59 of the Real Estate (Regulation And Development) Act, 2017 (hereinafter referred to as RERA) should not be taken against them for violation of Section 3 of the RERA.
3. Respondent No.1 filed his say, dated 07.11.2024 to the said show-cause notice. It is contended that so far as the advertisement in Times of India, dated 05.10.2024, the same was not an attempt to advertise, market, sell or offer for selling, or invitation to persons to purchase in any manner any plot, apartment or building, but it was a mere attempt to showcase and advertise their "already registered projects" and the project number and QR Codes of which have been duly displayed in the same advertisement. Respondent has further reiterated the said defence in respect of the hoarding, and further contended that respondent has already withdrawn/removed the said hoarding as soon as the said show cause notice has been received by the respondent. The respondent has further contended that the name of the project has not been mentioned nor any price or specification of units for sale has been disclosed. It has also been contended that the respondent has not accepted any moneys for the said proposed real estate project and there has been no allotment of any unit. Lastly, the respondent has contended that there is no any willful default on the part in compliance of the provisions of RERA and prayed to withdraw the show cause notice and to dispose off the proceeding without any action against the promoter. No any separate say has been filed on behalf of respondent No.2.
4. Notice of hearing dated 12.11.2024 was issued to the respondents. Adv. Anukraj Talekar appeared on behalf of Respondent No.1 in the

present matter. Nobody has been appeared on behalf of Respondent No.2.

5. Learned Adv. for the respondent No.1 has reiterated the contentions raised out by the respondent No.1 in his say. It is vehemently argued by learned Adv. for the respondent No.1 that the impugned advertisement does not mention the name of the project, price of the unit, specification of units for sale. It is further argued on behalf of the respondent No.1 that neither any booking amount has been taken from any person nor any allotment has been made in the said project. The advertisement in the newspaper Times of India is an attempt to showcase and advertise their already registered projects of which project numbers and QR Codes have been duly displayed in the said advertisement. Lastly learned Adv. for respondent No.1 argued that there is no any violation of provisions of RERA on the part of the respondent No.1 and as such the proceedings may be disposed off without imposing any penalty under Section 59 of the RERA.

6. Section 3 of the Act 2016 mandates prior registration of real estate project with Real Estate Regulatory Authority. The said Section 3 reads as under :-

"3.(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;

7. Section 3 of the act makes it clear that the promoter is under obligation not to advertise, market, book, sell or offer for

sale or invite persons to purchase any plot etc. without registering the real estate project with MahaRERA.

8. Perused the advertisement published in Times of India, dated 05.10.2024. It has mention of 9 landmark locations of the real estate projects of the respondents, out of which project registration numbers and QR Codes of 5 projects have been displayed in it. Out of 9 landmark locations of the real estate projects, one location is shown at Lokmanya Nagar, for which the present complainant has lodged complaint with the MahaRERA Authority. The said advertisement also offers a discount of Rs. 999/- per sq. ft. and gifts of diamond jewelry on booking for 2 BHK and 3 BHK. The said advertisement also invites people to book a home with the said promoter and get designer diamond jewelry on it. It also invites public at large to book a home of real estate projects of the promoter across Pune's most prime locations and to avail a discount worth Rs. 999/- per sq. ft. Mobile Numbers, website of promoter and of Sales Lounge Address have also been mentioned in the said advertisement. The location of Lokmanya Nagar has been mentioned in the said advertisement and admittedly, project of Lokmanya Nagar is not registered and therefore, it cannot be said that the said advertisement does not violate the provisions of RERA.

9. Also perused the second advertisement published by Respondents in the form of a hoarding. It contains the Sales Lounge Address of the Respondent-Promoter at Rambaug Colony, L.B. S. Road, Pune, contact numbers, Sales Lounge Address at L.B.S.Road, Pune, 100 mtrs. from the site, Building Nos. 36, 37 & 39. It also contains invitation to the public at large to register to avail the pre-launch offer on 4, 3 and 2 BHK premium abodes. It is true that the name and actual address of the project has not been mentioned in the said advertisement, but the building Nos.36, 37 and 39 are mentioned. It is also mentioned that the Sales Lounge

Office situated on L.B.S. Road is 100 mtrs from the site. It clearly indicates that the project is in the close vicinity of the L.B.S. Road and is at prime location. It definitely invites people to purchase apartment in the said buildings of the pre-launched real estate project, whether it is named or yet to be named doesn't matter, but the intention of the respondents-promoter clearly shows that they are inviting the people to book an apartment in the pre-launched real estate project near to the L.B.S. Road, Pune. Therefore, it definitely attracts contravention of the provision of Section 3 (1) of the RERA.

10. The complainant has produced on record a copy of information received by him under the Right to Information Act, dated 14.10.2024 from the Public Information Officer-cum-Asst. Architect, Pune Housing And Area Development Board, Pune-01. It has been mentioned in the said information that the rehabilitation proposal of Building No.37, Lokmanya Nagar, Pune has not been approved and it is pending for scrutiny and after scrutiny, the same will be forwarded for approval to the Authority. It is also informed that the action of granting approval to the plans is being taken by the local planning authority. The drawing prepared by Arckitude Studio, Architecture & Urban Design, Baner Road, Pune of typical layout plan of Building No. 36, 37 and 39 of Lokmanya Nagar, Drawing of Building/Wing A, Wing/B along with Flat No., Flat Type, Existing Holder's Name and Carpet Area and the statement showing the cost and slab of payment to be made for purchase of the flat having other particulars, and e-mail address and website of the respondents-promoters are also filed on record by the complainant. The respondents-promoters have not challenged these documents. Therefore, this evidence remained un rebutted. The respondents-promoters had published an advertisement without registering the project with MahaRERA. Even the commencement certificate was not issued by the planning authority at the time of publication of the impugned advertisement. Before that, the respondents-promoters had

11. Considering the facts, evidence on record *vis-a-vis* law discussed hereinabove, there is no hesitation to hold that it has been proved beyond doubt that the promoter has violated the provision of Section 3 of the RERA by publishing the advertisement without registering the project with MahaRERA.
12. Section 59 of the RERA provides punishment of penalty which may extend up to ten per cent of the estimated cost of the real estate project, as determined by the Authority, if any promoter contravenes the provisions of Section 3 of the RERA.
13. Vide Office Order No. MahaRERA/Secy/DoP/Advertisement/41/2-2025, dated 16th January, 2025, the undersigned has been delegated power to issue show cause notice and such other further notices for violation of Section 3(1) of the RERA and also to impose penalty under Section 59 of the RERA. Since the project mentioned in the impugned advertisement is not registered with MahaRERA Authority, no record pertaining to the estimated cost of such unregistered real estate project is available. So also, no any other resources are available to this office to determine the estimated cost of the unregistered project in question. However, considering the spirit of the provision of Section 59 of the RERA, it will be just and proper to impose penalty against the respondents-promoters as follows.

14. Penalty of Rs. 50,000/- under Section 59 of the RERA is imposed upon the promoters for contravention of the provision of Section 3 of the RERA.
15. Promoters shall pay the said penalty within 15 days from the date of said order, failing which the promoter shall pay additional penalty of Rs. 1000/- per day till default continues or till the project is registered with MahaRERA, whichever is earlier.
16. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any application by promoter for registering the said project.



Pune

Date :- 31.07.2025

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY, MAHARERA
PUNE