

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 10 OF 2023**

MahaRERA on its own Motion Complainant
Versus
Parth Developers Respondent/ Promoter

MahaRERA Project Registration No. P51500047868

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

CA Akash Patani appeared for the respondent/ promoter.

ORDER

28th July 2023

(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 had issued a show cause notice dated 21/06/2023 to the promoter above named for publishing an advertisement dated 01/05/2023, Daily Lokmat Newspaper, Ch. Sambhaji nagar without


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mentioning the MahaRERA project registration number, in regard to the project **"Renuka Pride"** bearing MahaRERA registration no. **P51500047868**, situated at Gajanan Maharaj Mandir Road, Ch.Sambhaji Nagar.

3. The promoter by its reply dated 26/06/2023, to the said show cause notice dated 21/06/2023, had submitted that there was negligence on the part of marketing agency, MahaRERA registration number was not mentioned in the said published advertisement.
4. In this regard, a hearing was scheduled on 28/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared on itself and made its submissions.
5. During the hearing, the promoter submitted that there was negligence on the part of marketing agency only, the MahaRERA registration number was not mentioned in the advertisement dated 01/05/2023 published in Daily Lokmat Newspaper. Promoter further submitted that its marketing agency was specifically informed to mention MahaRERA Number and logo in the newspaper advertisement but the agency missed the same. Promoter sought an apology for its mistake and further assured that henceforth the MahaRERA registration number will be mentioned.
6. In this regard, it is necessary to peruse the provision of section 11(2) of the RERA which reads as under:
"11(2) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."
7. From the plain reading of the section 11(2), the promoter is under obligation to mention prominently, the registration number of the project

in the advertisements or the prospectus issued by it. However, in the present case, the promoter through its marketing agency has published quarter page advertisement of the aforementioned project in the Lokmat, Ch.Sambhaji Nagar, newspaper dated 01/05/2023. Promoter did not mention the MahaRERA registration number in the said advertisement dated 01/05/2023 issued by it in the Lokmat, Ch.Sambhaji Nagar, newspaper. Although, the said advertisement had been published by its marketing agency but the onus lies on the Promoter only. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project "**Renuka Pride**" without MahaRERA registration number.

8. In view of the above, a penalty of Rs. 10,000/- under section 61 of the of the Act,2016, is imposed upon the promoter for violation of section 11(2).
9. The said penalty shall be payable by the promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
10. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
11. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)
**Dy.Secretary,
MahaRERA,Nagpur.**