

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

**SUO MOTU ADVERTISEMENT CASE NO. 11 OF 2023**

MahaRERA on its own Motion .... Complainant

Versus

Gandhi Builders and Developers. .... Respondent/ Promoter

**MahaRERA Project Registration No. P50500047884 /  
P50500051036**

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

Mr.Sagar Gandhi appeared for the respondent/ promoter.

**ORDER**

28<sup>th</sup> 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 11/04/2023 to the promoter above named for publishing an advertisement dated 08/04/2023, Daily Hitavada Newspaper,Nagpur without mentioning the MahaRERA project registration number, in regard to the project "**Kamla Sadan and Gandhi Sqaure**" bearing MahaRERA registration no.

**P50500047884 and P50500051036** , situated at Hazaripahad & Omkar nagar, Nagpur.


3. The promoter by its reply dated 18/04/2023, to the said show cause notice dated 11/04/2023, had submitted that in search of certain properties at Omkarnagar, Hazaripahad for their upcoming projects and to ascertain public demand, they had just mentioned the probable locations without mentioning the MahaRERA Registration numbers in the said published advertisement. The Promoter had also submitted the MahaRERA Registration Certificates for both the aforesaid projects.
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 reiterated the same as submitted in the reply that there was just the mention of locations of the project without mentioning the MahaRERA registration number in the advertisement dated 08/04/2023 published in Daily Hitavada Newspaper. Promoter further submitted that the projects at both the locations are registered with MahaRERA. 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. The gist of the section 11(2) of the RERA 2016 is to provide, by Project registration

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number , complete information of the Project in interest to the public on RERA website. However, in the present case, the promoter has published Full page advertisement in the Hitavada, newspaper dated 08/04/2023 and mentioned the locations of the aforementioned projects without mentioning the MahaRERA registration number in the said advertisement. By mentioning the locations of the aforesaid projects clearly signifies the intention of Promoter to attract public at large and to promote sell of the units in the aforesaid projects. However, mere mention of locations of the aforesaid projects without RERA registration number is not in conformity with Section 11(2) of the Act 2016 and does not serve the purpose of section 11(2) to provide complete information of the project in interest to the public on RERA website. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said projects without MahaRERA registration number.

8. In view of the above, a penalty of Rs. 20,000/- 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.**