

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

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

MahaRERA on its own Motion .... Complainant

Versus

Sunil Pandharinath Patil .... Respondent  
Promoters & Developers

**MahaRERA Project Registration No.P52100031750**

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head  
Sunil Pandharinath Patil appeared for the respondent / promoter.

**ORDER**

18<sup>th</sup> May, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on 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 the provision of Section-3 by the promoter and to impose penalty under Section-61 of the Act for contravention of Section 11(2) of the Act etc. In exercise of the said 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 29-03-2023 to the promoter above named for publishing an advertisement in the 'Facebook' without mentioning the MahaRERA Registration number, in regards to the project "Elite Square" Wakad, Pune, bearing MahaRERA Registration No.P52100031750 situated at Wakad, Pune.

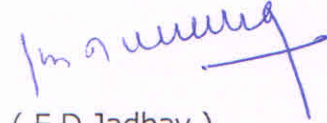
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3. The promoter in his say dated 11-04-2023 has submitted that he had appointed Mr.Pradeep Kundlik Bhosale, who is a RERA Registered Agent and made a deal with him about flat/unit sale. According to the promoter he had shared digital advertisement soft copy to Mr.Bhosale but by mistake Mr.Bhosale has published advertisement on his 'Facebook' account without MahaRERA Registration number. According to him this mistake was done without any intention. Shri.Pradeep Bhosale in turn has also submitted his say stating that he has published the advertisement without MahaRERA registration number by mistake.
4. In this regard hearing was scheduled on 18-05-2023 through Video Conferencing as per the MahaRERA Circular No.27/2023 and MahaRERA Order No.593/2023 wherein the promoter appeared and made his submissions.
5. During the hearing, the promoter Shri.Patil reiterated that due to some mistake the MahaRERA Registration number was not mentioned by the Agent in the advertisement published by him. He further submitted that the said mistake was committed without any intention.
6. At this juncture, it is necessary to go through the provision of Section 11(2) of the aforesaid Act, 2016 which reads as under:  
**Sec-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. On careful perusal of the Section 11(2), it appears it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project in the advertisement issued by him. Though the advertisement actually published by the channel partner or agent, the onus is on the promoter of the project. Consequently it can be legally inferred that such advertisement is published by the promoter himself. Considering the scope of Section 11(2) of the Act, 2016 it can be said that the promoter in

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this matter has violated the provision of Section 11(2) of the Act, 2016 for publishing the advertisement without MahaRERA registration number.

8. In view of the above, the penalty of Rs.10,000/- under Section 61 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 15 days from the date of this order, failing which a further penalty of Rs.1,000/- per day is imposed upon the promoter till the realization of entire amount.
10. The Technical and the Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications viz. extension, corrections, change of name etc., with respect to the said project.
11. In view of the above, the present case stands disposed of.



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