

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.12 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Austin Palms LLP

.... Respondent

MahaRERA Project Registration No.P52100046871

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head
Raju Bhise appeared for the respondent / promoter.

ORDER

18th 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 "Lush Residences" Tathawade, Pune, bearing MahaRERA Registration No.P52100046871 situated at Tathawade, Pune.

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3. The promoter in his say dated 10-04-2023 has submitted that the omission of the MahaRERA registration number in the advertisement was not intentional, but rather an oversight on the part of one of the broker. According to him this advertisement was issued on 'Facebook' by the Real Estate Agent with RERA registration number A52100023291 without his knowledge and permission. He has further submitted that the said Agent assured him that he will not give any further advertisement without MahaRERA registration number.
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 through his representative and made his submissions.
5. During the hearing, the promoter Shri.Raju Bhise has admitted that advertisement was published in regards to his project without MahaRERA registration number. He further reiterated that due to some mistake by his Agent, the MahaRERA Registration number was not mentioned in the advertisement published in the 'Facebook'. 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:

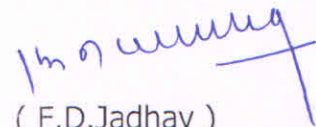
"11(2):- "The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."

7. On careful perusal of the Section 11(2), it appears that 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 Agent, the onus is on the promoter of the project as per Section 11(2) and thus it can be legally inferred that such advertisement is published by the promoter himself.

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Considering the admission of the promoter regarding advertisement without MahaRERA registration number, it can be said that the promoter in 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