

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

**SUO MOTU ADVERTISEMENT /
PUNE CASE NO.17 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Nivasa Associates
Promoters & Developers

.... Respondent

MahaRERA Project Registration No.P52100034898

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head
Rahul Mohta Authorised Representative appeared for respondent / promoter.

ORDER

12th June, 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 08-03-2023 to the promoter above named for publishing an advertisement in the 'Facebook' without mentioning the MahaRERA Registration number, in regards to the project "Nivasa Enchante" bearing MahaRERA Registration No.P52100034898 situated at Dhanori - Lohogaon, Pune.

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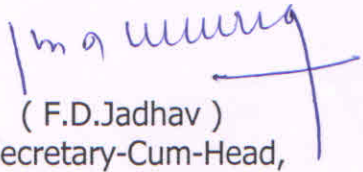
3. The promoter has filed short reply on 28-03-2023. He has submitted in reply that the RERA number was present in their advertisement. He has further assured that here onwards the RERA logo and RERA number with bigger fonts will be present in their advertisement:
4. This matter was scheduled for hearing on 12-06-2023. Authorised Signatory Rahul Mohta submitted that MahaRERA registration number was mentioned in the advertisement. He has reiterated that they will publish the advertisement with MahaRERA registration number with bigger fonts. According to him their Advertisement was designed taking into consideration the size of Personal Computer (PC), Laptop. If the said advertisement seen on the Mobile, then naturally the fonts of MahaRERA registration number will be seen lesser in size as it was designed for PC and Laptop.
5. Perusal of the advertisement shows that the advertisement was containing MahaRERA registration number on the top of the image but it was in a very small fonts. It is not the case that this promoter has failed to give MahaRERA registration number in the advertisement. In fact the promoter has provided the MahaRERA registration number in the advertisement on the prominent part, but as the screen shot of the advertisement has been taken on mobile phone, the MahaRERA registration number could not be located easily. It is to be stated that the size of the screen of the PC & Laptop is much bigger than the Mobile Phone. Taking into consideration this fact the MahaRERA registration number will appear in very lesser size on Mobile screen.

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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) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project in the advertisement issued by him. In this matter the promoter has published the MahaRERA registration number of the project on the prominent part of the advertisement, though it is in small size. The explanation given by the promoter for such small size of the MahaRERA registration number also appears to be acceptable.
8. In view of above it can be said that section 11(2) of the Act, 2016 would not attract in this matter. There is no prima facie evidence to prove that this promoter has violated section 11(2) of the Act, 2016. Considering this, there is no order regarding penalty under section 61 of the Act, 2016. As such this matter stands closed.


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