

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

**SUO MOTU ADVERTISEMENT CASE NO. 19 OF 2023**

MahaRERA on its own Motion .... Complainant  
Versus  
Radha Madhav Developers .... Respondent/ Promoter

**MahaRERA Project Registration No. P50500034267**

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

Adv. Vivek Bharadwaj appeared for the respondent/ promoter.

**ORDER**

29<sup>th</sup> August 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 01/08/2023 to the promoter above named for publishing an advertisement dated 15/03/2023, in the form of flyer at Nagpur, for not mentioning the MahaRERA project registration number prominently, in regard to the



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project **"Vrindavan Phase 3"** bearing MahaRERA registration no. **P50500034267**, situated at Mauza -Jamatha, Nagpur.

3. The promoter by its reply dated 05/08/2023, to the said show cause notice dated 01/08/2023, had submitted that the advertisement dated 15/03/2023, was published by M/s Wainganga Developers and Planners. The promoter submitted that the M/s Wainganga Developers and Planners is not its appointed agent and had never given any authority or consent to publish/issue any advertisement on its behalf and had not received any kind of benefit or monetary gain out of the advertisement dated 15/03/2023. The promoter further submitted that the M/s Wainganga Planners and Developers had mentioned only the locations of the projects such as Jamatha, Bothali and wakeshwar and not the name of Vrindavan Phase 3 or M/s Radha Madhav Developers.
4. In this regard, a hearing was scheduled on 29/08/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
5. During the hearing, the promoter reiterated that the advertisement flyer issued or published by M/s Wainganga Developers and Planners did not belong to the Project "Vrindavan Phase 3". The promoter further submitted that it was never associated with M/s Wainganga Developers and Planners in any manner. The promoter further submitted that there was not any supportive documentation showing any kind connection or link between Wainganga Developers and Planners and M/s Radha Madhav Developers.
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***

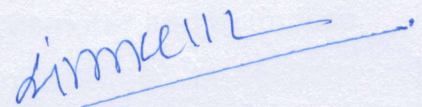


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***entered and include the registration number obtained from the Authority and such other matters incidental thereto."***

7. From the plain reading of 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, an advertising agency has published a flyer dated 15/03/2023 mentioning only the locations. The advertising agency has submitted the MahaRERA Registration certificate of the aforesaid project but failed to produce any supporting document which could establish the connection or any kind of link between the Promoter and aforesaid advertising agency. In an advertisement issued by the aforesaid advertising agency, the name of the project - Vrindavan Phase 3 - does not appear. Hence, advertisement dated 15/03/2023 issued by the aforesaid advertising agency could not be considered as the advertisement of the project-Vrindavan Phase 3. Hence, the promoter is not in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project **"Vrindavan Phase 3"** for not mentioning the MahaRERA registration number prominently in the said advertisement.

8. In view of the above, the present case stands closed.

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