

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.20 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

VTP Corporation LLP

.... Respondent

MahaRERA Project Registration No.P52100001109

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head
Mr.Ashutosh Bag, A.R. present for Respondent / Promoter.

ORDER

08th 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 13-03-2023 to the promoter above named for publishing an advertisement in the 'Facebook' without mentioning the MahaRERA Registration number, in regards to the project "Purvanchal Phase-1 AB" bearing MahaRERA Registration No.P52100001109 situated at Kesnand, Pune.
3. The promoter in his reply dated 21-03-2023 has submitted that the said project has been completed and the PMRDA i.e. the concerned Authority has granted the occupancy certificate. The promoter has uploaded the OC as well as form-4 i.e. Architect Certificate on completion

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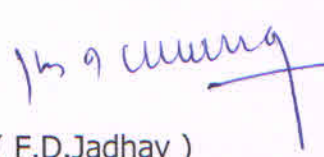
of registered project. The promoter has also delivered the possession of the respective units to the concerned buyers in terms of the agreement. The promoter has further submitted in his reply that the advertisement wherein no MahaRERA Registration number was published due to oversight. After coming into notice the said fact, the promoter has corrected the said advertisement on Facebook.

4. The hearing was scheduled on 08-06-2023 through Video Conferencing as per the MahaRERA Circular No.27/2023 and MahaRERA Order No.593/2023 Shri.Ashutosh Bag A.R. for the promoter has reiterated that the construction of the project is completed, OC and Form-4 are uploaded as well as possession of the flats have been handed over to the buyers. He has, however, while arguing the matter fairly admitted that though the project is completed, some flats were remained to be sold. As there were some flats to be sold out, the advertisement was given which contains no MahaRERA Registration number of the project.
5. Considering the admission of the Shri.Ashutosh Bag Authorised Representative of the promoter, that the promoter had given advertisement for selling of the flats from the said project, without mentioning MahaRERA Registration number unequivocally indicates that this promoter has violated the provision of Section 11(2) of the Act, 2016. It has been proved the breach of Section 11(2) by the promoter.
6. At this juncture it is necessary to go through Section 11(2) of the 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."

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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. Since in this matter the advertisement issued by the promoter is without MahaRERA registration number which is mandatory, it can be said that the promoter has violated the provisions of section 11(2) of the Act, 2016 and thus this is a fit and suitable case to impose penalty on the promoter.
8. Section 61 of the Act, 2016 deals with penalty for contravention of other provisions of this Act. The said provision, inter alia, states that.....
..... promoter shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority. However, considering the facts and circumstances of this case lenient view ought to be taken while imposing the penalty in the matter.
9. 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) of the Act, 2016.
10. The said penalty shall be payable by the promoter within 30 days from the date of this order, failing which promoter shall be liable to penalty of Rs.1,000/- per day, in addition, till the realization of entire amount.
11. 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.


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