

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

SUO MOTU ADVERTISEMENT CASE NO. 20 OF 2023

MahaRERA on its own Motion

.... Complainant

Versus

Nirmay Infratech/Nayan Natthuji Ghate.... Respondent/
Promoter

**MahaRERA Real Estate Agent Registration No.-
A50500029331**

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

CA Karan Mehendiratta appeared for the respondent/ promoter.

ORDER

04th September 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

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08/03/2023 to the respondent above named for publishing an advertisement dated 26/02/2023, Lokmat Newspaper, Nagpur, without registering the projects situated at Mauza Jamatha, Beltaradi, Shankarpur, Waranga ,Shivmadaka, Nagpur for violation of section 3 of Real Estate (Regulation & Development) Act,2016(The Act).

3. The respondent, by its reply dated 16/03/2023, to the said show cause notice dated 08/03/2023, had submitted that Nirmay Infratech is a real estate marketing company registered with MahaRERA having Real Estate agent number A50500029331. The respondent further submitted that the projects which had been advertised in aforesaid advertisement dated 26/02/2023 are MahaRERA registered projects having MahaRERA number as P50500045941, P50500032763, P50500047839, P50500048905, P50500027078, P50500047770. The respondent further submitted that it is an authorized channel partner for the aforesaid projects and had been authorized to advertise the aforesaid projects through MOU and Exclusive seller agreement. The respondent further submitted that by inadvertent mistake of the printing agency, registration numbers of the projects and the agent were omitted from the aforesaid advertisement dated 26/02/2023.
4. In this regard, a hearing was scheduled on 04/09/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the respondent appeared and made its submissions.
5. During hearing, the respondent reiterated that by inadvertent oversight of the printing agency, the project registration numbers, and agent number were not printed in the aforesaid advertisement dated 26/02/2023. The respondent had further submitted that it had no ill intention or oblique motive. The respondent sought an apology and assured that henceforth, the agent registration number and project registration number will be mentioned prominently in an advertisement published by it.

6. In this regard, it is necessary to peruse the provisions of Section 9(5);Section10(a) of the RERA 2016 and Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 which reads as under:

"9(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act."

"10(a) Every real estate agent registered under Section 9 shall not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority."

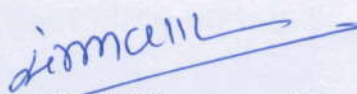
"14(2) Every registered real estate agent shall quote his number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

7. From the plain reading of the above-mentioned sections, the Real Estate Agent is under obligation to mention the agent registration number along with the project registration number in the advertisements issued by it. In the present case, the respondent published a full-page advertisement dated 26/02/2023 in the Daily Lokmat newspaper. However, the respondent failed to publish the MahaRERA agent registration number as well as project registration numbers for the aforesaid projects in the advertisement dated 26/02/2023. Hence, the respondent is in

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contravention of Section 9(5) of RERA 2016 and Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.

8. In view of the above, a penalty of Rs. 25,000/- under section 62 of the of the Act,2016, is imposed upon the respondent for violation of Section 9(5) of RERA 2016 and Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.
9. The said penalty shall be payable by the respondent within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
10. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
11. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

**Dy.Secretary,
MahaRERA,Nagpur.**