

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.27 OF 2023**

MahaRERA on its own Motion Complainant
Versus
Silver Group (Silver Promoters & Developers)
'Silver Gardenia' Respondent
MahaRERA Project Registration No. P52100034553

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Adv. Suyog Thorpe

ORDER

28th July, 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 61 of the Act, 2016 for contravention of the provision of Section 11(2) by the promoter and to impose penalty under Section 59 of the Act for contravention of Section 3 of the Act. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. Adv. Suyog Thorpe appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the daily newspaper 'Loksatta', dated 20.03.2023 without mentioning the MahaRERA Registration number, in regards to the project "Silver Gardenia" has been published. On going through the record of MahaRERA Authority, it has been noticed that the project "Silver Gardenia" is registered with MahaRERA vide Project Registration No. P52100034553 Therefore, by show-cause notice, dated 20.03.2023, the Respondent-Promoter was called to show cause as to why penal action under Section


61 of the said Act should not be initiated against him. The notice of hearing was given on 16.06.2023 and promoter was called upon to attend the virtual hearing on 27.06.2023. On 27.06.2023 and 04.07.2023 promoter remained absent and hence matter was adjourned to 04.07.2023 and 11.07.2023 respectively. On 11.07.2023 promoter appeared through Adv. Suyog Thorpe and he sought adjournments on 11.07.2023 and 18.07.2023 and finally matter was posted to 28.07.2023.

3. The promoter has submitted his say on 27.07.2023 contending therein that they had published an advertisement in 'Loksatta' newspaper on 20.03.2023 in full page size and provided the entire description of the said project to the said newspaper including MahaRERA Registration Number. However, at the time of publishing advertisement, the RERA Number was published on the left side of the advertisement, but due to some printing error and small size font, the said RERA No. is not clearly visible. It is further submitted by the promoter that he had no malafide intention to hide the RERA Number or misguide the public at large.
4. The promoter has submitted a copy of newspaper 'Loksatta', dated 20.05.2023 wherein full page advertisement of project 'Silver Gardenia' has been advertised. At the left side of the advertisement, the promoter has highlighted the RERA Registration No. so that one can locate the same. However, even though the RERA Registration No. provided in the said advertisement was highlighted, it cannot be easily readable. As per Section 11(2) of the Act, 2016, advertisement published by the promoter shall mention prominently website address of the Authority including the registration number. In this matter, the promoter has provided RERA Registration number to the newspaper 'Loksatta' however, at the time of printing of the advertisement, due to some printing mistake, the said registration number is not clearly visible.
5. It has been submitted by the Advocate for the promoter that the intention of the promoter while advertising the project, was not to conceal

the RERA registration number from the public at large, nor the promoter had any malafide intention to mislead the public at large in regards to the said project. In fact, it is evident from the advertisement itself that there appears logo of MahaRERA on the said advertisement though the registration number is not clearly visible. The promoter had given MahaRERA registration number to the 'Loksatta' newspaper to mention it in the advertisement. But it is the newspaper's fault or printing error that MahaRERA registration number is printed faintly which cannot be seen clearly. This fault cannot be attributed to the promoter. Learned Advocate for promoter has argued that after publishing the advertisement, promoter has pointed out this mistake to the concerned newspaper. As such, the intention of the promoter cannot be said to be malafide. Further the promoter has not tried to conceal the registration number of the said project. Considering these circumstances, it can be said that Section 11(2) of the Act would not attract in this matter. As such the question of imposing penalty on the promoter under Section 61 of the Act would not arise.

6. However, warning is required to be given to the promoter for not to repeat the same mistake in future. He is also directed to verify after publishing advertisement, whether such advertisement contains MahaRERA registration number, web address, etc. on the prominent part of the advertisement. He is further directed to provide QR Code also in the advertisement w.e.f. 1st August, 2023.

7. In the circumstances mentioned hereinabove, it can be said that the provision of Section 11(2) of the Act of 2016 would not attract in the matter. As such question of imposing penalty under Section 61 of the Act 2016 does not arise.


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