

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.30 OF 2023**

MahaRERA on its own Motion Complainant
Versus
Pushp Construction
'Nisarg Pushp' Respondent
MahaRERA Project Registration No.P52700027885

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

Appearance :- Absent.

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 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 Respondent-Promoter. None present on behalf of promoter though sufficient opportunity of being heard is given to the promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in 'Lokmat' newspaper without mentioning the MahaRERA Registration number, in regards to the project "Nisarg Pushp" has been published on 16.04.2023. On going through the record of MahaRERA, it has been found that the project "Nisarg Pushp" is registered with MahaRERA vide Registration No. P52700027885. Therefore, by show-cause notice, dated 25.04.2023, the Respondent-Promoter was called

upon to show cause as to why penal action under Section 11(2) r.w. 61 of the said Act should not be initiated against him. In spite of issuance of show cause notice, the Promoter failed to file his reply to the said show cause notice, dated 25.04.2023. Notice of hearing was issued to the Respondent on 16.06.2023 and directed to attend the virtual hearing on 27.06.2023. Since on the date of hearing, the respondent remained absent, the matter was adjourned thrice to 04.07.2023, 11.07.2023 and 18.07.2023. Therefore, the matter was decided exparte.

3. Perused the advertisement published in daily "Lokmat", by promoter of his project "Nisarg Pushp", situate at Nisarg Colony, Jarandeshwar Naka, Near Cooper Colony, Satara. The advertisement speaks as "महारेरा मान्यताप्राप्त" However, it does not contains the MahaRERA Project Registration number.

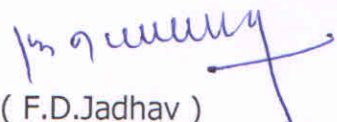
4. At this juncture it is necessary to reproduce Section 11(2) of the Act, 2016 which reads as under:

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."

5. 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 on the prominent part of the advertisement issued by him. The advertisement speaks that Phase I contains ready-possession flats and construction of Phase-2 is ongoing. Mere mentioning of "MahaRERA Approved" in the advertisement does not suffice to escape from the clutch of Section 11(2) of the Act, 2016. MahaRERA website address *vis-a-vis* registration number are essential under Section 11(2) of the Act. As advertisement does not contain

MahaRERA registration number of the said project as such there is violation of Section 11(2) of the Act of 2016.

6. The promoter was given sufficient opportunity of hearing. However, he failed to appear and file his say or make any submission with regard to publishing the advertisement of his aforesaid project in the newspaper 'Lokmat' without mentioning MahaRERA registration number. This act of promoter definitely is for the sale of units in the project of the promoter and therefore, there is clear violation of the mandatory provision under Section 11(2) of the Act 2016.
7. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond doubt that the promoter has violated the provision of Section 11(2) of the Act, 2016 for publishing the advertisement without MahaRERA registration number, and thus this is a fit and suitable case to impose penalty.
8. In view of the above, the penalty of Rs.25,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for violation of Section 11(2) of the Act, 2016.
9. 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.
10. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.


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