

**SUO MOTU ADVERTISEMENT
CASE NO. 63 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 63 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Kanakia Future Realty Private Limited

.... Respondent/Promoter

MahaRERA Project Registration No. P51800000122

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

None appeared for the Promoter.

ORDER

26th July 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 08/06/2023 to the Promoter above named for issuing an advertisement in Times of India, Maharashtra Times & Navbharat Times Newspapers dated 28/05/2023 without mentioning the MahaRERA project registration number in regard to the project "**Kanakia Paris**" bearing MahaRERA registration no. **P51800000122**, situated at Mumbai.
2. During the previous hearing dated 30/06/2023, the Promoter had asserted that the said project "**Kanakia Paris**" consists of Wings A to G and that on 24th August 2018; 3rd April 2019 and 9th March 2021, they have obtained occupation certificates for Wings A to G, which were subsequently uploaded on MahaRERA portal along with Form 4 as required. Additionally, it was also disclosed by the Promoter that the occupation certificate for the spa area on the 1st floor of Wing G which is part of the amenity area is pending and thus the Form 4 for Wing G had not been uploaded yet. Furthermore, the Promoter had stated that there is no remaining unsold inventory in relation to the aforementioned project.
3. Additionally, the Promoter had also professed their lack of knowledge concerning the identity of the entity responsible for publishing the aforementioned

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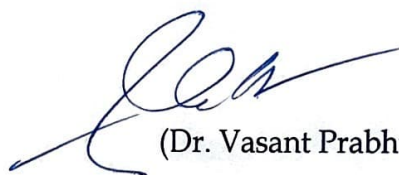
advertisement in the newspaper.

4. Accordingly, the Promoter was directed to undertake diligent efforts to ascertain the identity of the party responsible for the publication of the said advertisement, and subsequently, take decisive action against them. Furthermore, the Promoter was also instructed to investigate whether the said advertisement had been issued by any of its channel partners.
5. In this regard, a hearing was scheduled on 26/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter can appear through its representative and make its submissions.
6. During the aforementioned hearing, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Promoter.
7. The Promoter, through its written submission, stated that the said project had been completed long back and had received occupation certificate on 9th March 2021 and that there are no unsold inventories in the said project. The Promoter further stated that the said advertisement was not published by them but by one Independent Strategic Partner AS i.e., Aryan Singh, without any knowledge to them.
8. 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 entered and include the registration number obtained from the Authority and such other matters incidental thereto.”
9. Upon interpretation of Section 11(2), it becomes apparent that the Promoter bears the responsibility to conspicuously display the MahaRERA registration number of the Project in any advertisements or prospectus disseminated by them.

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10. Notwithstanding the circumstances at hand, The Promoter, herein referred to as **Kanakia Future Realty Private Limited.**, had not engaged in the dissemination of any promotional materials in the specified newspaper. Instead, an Independent Strategic Partner AS i.e., Aryan Singh has perpetrated a deceitful action thereby assuming the role and identity of the Promoter. Consequently, Kanakia Future Realty Private Limited cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act.
11. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)
Secretary, MahaRERA