

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.38 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Dream Works Realtors

1. Sai Ankoor Balewadi

MahaRERA Project Registration No.P52100015931

2. Metro Park County.

MahaRERA Project Registration No.P52100028748.... Respondent

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

Appearance :- Adv. S. Dayma

ORDER

7th 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. Adv. S. Dayma appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the 'Times of India' without mentioning the MahaRERA Registration number, in regards to the project "Sai Ankoor, Balewadi" and "Metro Park Country, Balewadi" has been published. On going through

the record of MahaRERA Authority, it has been noticed that the project "Sai Ankoor, Balewadi" is registered with MahaRERA vide Registration No. P52100015931 and project "Metro Park County, Balewadi" is registered vide Registration No. P52100028748. Therefore, by show-cause notice, dated 30.05.2023, the Respondent-Promoter was called upon to show cause as to why penal action under Section 61 of the said Act should not be initiated against him. The promoter filed his reply on 08.06.2023. The matter was posted to 07.07.2023 for virtual hearing and notice of hearing was issued to the promoter on dtd. 04.07.2023.

3. The promoter by his reply, dated 08.06.2023, contended that in the said advertisement, they have mentioned 'completed projects' for the advertisement of project 'Sai Ankoor', and completion certificate of the same is already uploaded on MahaRERA site. The promoter contended that as the project is completed project, the provision under Section 11(2) of the Act, 2016 does not attract to the completed project and promoter can advertise the completed project without mentioning the MahaRERA Registration No. Therefore, promoter has not violated any of the provision of this Act and penalty should not be imposed. In support of his reply, the promoter has filed along with reply Completion Certificate -Part I Bldg. No.A & B, dated 17.03.2021 and Completion Certificate -Part II Bldg. No.A & B, dated 22.04.2022. The reply filed by the promoter is however, silent as regards the second project 'Metro Park County, Balewadi'.

4. Heard Adv. S. Dayma for promoter. He reiterated the contentions raised out in the reply filed by promoter. He argued that the project 'Sai Ankoor' is completed project and the promoter can advertise the same without mentioning registration No. He argued that there are several decisions of the Appellate Tribunal wherein the provision of Section 11(2) cannot be made applicable to the completed project. Adv. Dayma however, admitted to have published the advertisement of ongoing project "Metro Park County, Balewadi" without mentioning registration No.

However, Adv. Dayma argued that it is published by their real estate agent on account of lack of knowledge and prayed for lenient view.

5. 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."

6. 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. Perused the advertisement. So far as the project 'Sai Ankoor, Balewadi' is concerned, the advertisement clearly shows that it is completed project. The completion certificate Part-I and Part II produced on record also shows that the same is completed. The advertisement however, shows that project 'Metro Park County' is ongoing project. The advertisement also having mention of another two projects at Balewadi and Bavdhan as "coming soon projects".

7. In the instant case, so far as the project 'Sai Ankoor, Balewadi' is concerned, the said project being completed, I am of the opinion that this advertisement regarding completed project, does not attract the provisions of Section 11(2) of the Act 2016. However, as regards the another project 'Metro Park County', which is the ongoing project, the Promoter has admitted to have published the advertisement by their real estate agent without mentioning the MahaRERA Registration number. The act of the estate agent of publishing the advertisement without mentioning MahaRERA registration number definitely is for the sale of units in the project of the promoter and therefore, the promoter cannot escape from

