

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

**SUO MOTU ADVERTISEMENT CASE NO. 03 OF 2023**

MahaRERA on its own Motion .... Complainant  
Versus

Maitreya Developers .... Respondent/ Promoter

**MahaRERA Project Registration No. P50500023595**

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

CA Upendra Thakur appeared for the respondent/ promoter.

**ORDER**

28<sup>th</sup> July 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 13/03/2023 to the promoter above named for publishing an advertisement dated 10/03/2023, in the Lokmat, Nagpur Newspaper, without mentioning the MahaRERA project registration number, in regard to the project



**"Orange City Park III"** bearing MahaRERA registration no. **P50500023595**, situated at Yerkheda, Kamathi.

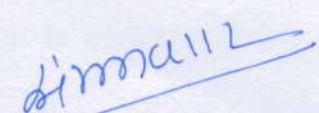
3. The promoter by its reply dated 21/03/2023, to the said show cause notice dated 13/03/2023, had submitted that there was miscommunication and editing mistake due to which the MahaRERA registration number was not mentioned in the advertisement dated 10/03/2023, published in the Lokmat, Nagpur Newspaper.
4. In this regard, a first hearing was scheduled on 29/05/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent and failed to make its submissions.
5. In compliance with the principle of natural justice, a hearing was adjourned to the next date.
6. In this regard, a second hearing was scheduled on 28/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
7. During the hearing, the promoter submitted that due to miscommunication and editing mistake, the MahaRERA registration number was not mentioned in the advertisement published in Lokmat, Nagpur newspaper dated 10/03/2023. Promoter further submitted that it has no intension to advertise the real estate project without MahaRERA registration number as the said project is already registered with MahaRERA . Promoter sought an apology for its mistake and further assured that henceforth the MahaRERA registration number will be mentioned in all the advertisements.
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. From the plain reading of the section 11(2), the promoter is under obligation to mention prominently, the registration number of the project in the advertisements or the prospectus issued by it. However, in the present case, the promoter has published half page advertisement in the Lokmat, Nagpur newspaper dated 10/03/2023. Promoter did not mention the MahaRERA registration number in the said advertisement dated 10/03/2023 issued by it in the Lokmat, Nagpur newspaper. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project **"Orange City Park III"** without MahaRERA registration number in the said advertisement.
10. In view of the above, a penalty of Rs. 15,000/- under section 61 of the of the Act,2016, is imposed upon the promoter for violation of section 11(2).
11. The said penalty shall be payable by the promoter 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.
12. 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.
13. With the above directions, the present case stands disposed of.

  
(Sanjay Bhimanwar)  
**Dy.Secretary,  
MahaRERA,Nagpur.**