

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.4 OF 2023**

MahaRERA on its own Motion Complainant

Versus

Siddhidata Group Respondent

MahaRERA Project Registration No.P52100046894

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

Appearance :- Absent

ORDER

27th June, 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 however, Respondent-Promoter remained absent in spite of sufficient opportunity given.
2. It has been noticed by the MahaRERA Authority that an advertisement in the 'Facebook' without mentioning the MahaRERA Registration number, in regards to the project "Seventy 7 Skyway" has been published. On going through the record of MahaRERA Authority, it has been noticed that the project "Seventy 7 Skyway" is registered with MahaRERA vide Registration No. P52100046894 and its location is shown

as Ravet, Pune. Therefore, by show-cause notice, dated 13.03.2023, 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. Later on, on 08.05.2023, second show cause notice was issued to the promoter and promoter was called upon to appear before this Authority, Pune for hearing on 17.05.2023 with respect to the charges leveled against the promoter.

3. The matter was posted on 17.05.2023 for hearing wherein Adv.Ramraje Bhosale appeared on behalf of promoter and sought adjournment for filing reply. Therefore, the matter was adjourned to 06.06.2023 and 16.06.2023 for filing reply. On both these dates Advocate for respondent sought adjournment, which was granted as a last chance and matter was posted to 27.06.2023 for passing exparte order. However, on 27.06.2023 neither Advocate for Respondent nor Respondent-Promoter appeared on this date nor filed any say. Sufficient opportunity of hearing was given to the Respondent, but he failed to appear before the Authority as such it shall be presumed that respondent has nothing to say in the matter. In this circumstances, this Authority has proceeded further to pass orders in the matter.

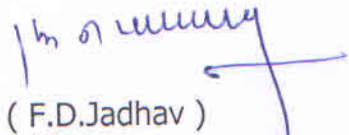
4. Perused the advertisement posted on facebook. It is related to the project Seventy 7 Skyway situated at Ravet, Pune and the name of the Promoter is given as Siddhidata Group and no any RERA Project Registration No. is mentioned in the advertisement. The purpose of mentioning RERA Registration No. in the advertisement is that the public-at-large can go through it and view at a glance all the required particulars in respect of the project. As in this matter, promoter has not submitted his say, therefore, the contentions made in the show cause notices that the promoter has published advertisement without MahaRERA Registration number has been proved. Thus it can be said that promoter has violated the provision of Section 11(2) of the Act, 2016.

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. In this matter the Promoter has neither appeared before the Authority nor submitted his say denying the allegations made against him. Therefore, it is manifestly shows that promoter has breached Section 11(2) of the Act, 2016.
7. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said 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. Section 61 of the Act, 2016 deals with penalty for contravention of other provisions of this Act. The said provision, inter alia, states that.....
..... promoter shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority. However, considering the facts and circumstances of this case though promoter is absent for hearing, lenient view ought to be taken while imposing the penalty in the matter.
9. 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.

10. 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.
11. The Technical and the Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications viz. extension, corrections, change of name etc., with respect to the said project.


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