

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.45 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Onyx Noble Realtors LLP

Onyx Bizmark 52

.... Respondent

MahaRERA Project Registration No.P52100020510

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

Appearance :- C.A. Anil Khetmal Dahiya

ORDER

14th 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. C.A. Anil Khetmal Dahiya appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the daily newspaper 'Sakal', dated 26.05.2023 without mentioning the MahaRERA Registration number, in regards to the project "Onyx Bizmark 52" has been published. On going through the record of MahaRERA Authority, it has been noticed that the project "Bizmark 52" is registered with MahaRERA vide Registration No. P52100020510 and location of the same is shown as Kondhwa Budruk, Pune. Therefore, by

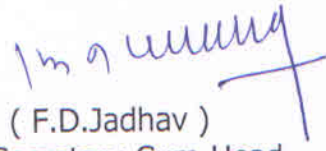
show-cause notice, dated 30.05.2023, the Respondent-Promoter was called to show cause as to why penal action under Section 61 of the said Act should not be initiated against him. The promoter filed his reply on 05.06.2023. The notice of hearing, dated 04.07.2023 was issued to the promoter and promoter was asked to attend virtual hearing before this Authority on 14.07.2023.

3. The promoter by his reply, dated 05.06.2023, has admitted that he has published advertisement in the Sakal newspaper regarding this project. The promoter has further contended that RERA Registration No. of the said project P52100020510 is mentioned at the bottom of the said advertisement and further contended that the RERA Registration No. P52100049064 mentioned in the show-cause notice, dated 30.05.2023 is incorrect and the correct RERA Registration No. is P52100020510. In support of his reply, the promoter has filed copy of the advertisement of the impugned project.
4. Perused the reply filed by the promoter along with copy of the advertisement published in daily newspaper 'Sakal', dated 26.05.2023. Heard Adv. Amol Mande. Learned Advocate has reiterated the contentions raised out in the reply of the promoter and vehemently argued that since the RERA Registration No. is mentioned in the advertisement, there was no necessity to issue shows cause notice. According to him, there is no violation of any of the provision of the Act of 2016 and as such no penalty can be imposed on the promoter under Section 61 of the Act of 2016. Perused the advertisement published in daily "Sakal", dated 26.05.2023. It reveals from the impugned advertisement that the RERA Registration No. of the project in question is mentioned at the bottom.
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. 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.
7. Copy of daily newspaper "Sakal", dt. 26.05.2023 has been filed by promoter in the matter. Perusal of the advertisement published in the said newspaper explicitly shows that the RERA Registration No. of the impugned project of the Promoter has been mentioned at the bottom of the advertisement. Such strong evidence undoubtedly proves that there is no any violation of Section 11(2) of the Act of 2016 on the part of the promoter. Therefore, there is no case made out against the promoter.
8. Considering the aforesaid facts and relevant law, this is not a fit case to impose any penalty under Section 61 of the Act of 2016. The case is disposed off accordingly.


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