

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

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI

SUO MOTU ADVERTISEMENT CASE NO. 45 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

The Prestige City

.... Respondent/Promoter

MahaRERA Project Registration No. P51800045339 / P51800046488

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 03/03/2023 to the Promoter above named for issuing an advertisement on website namely **the-prestige-city-mulund.com** without mentioning the MahaRERA project registration numbers in regard to the project **"Bellanza Phase I & Bellanza Phase 2"** bearing MahaRERA registration nos. **P51800045339 / P51800046488**, situated at Mulund West, Mumbai.
2. During the previous hearing dated 30/06/2023, the Promoter had submitted that they were not responsible for the publication of the said website in question and that they were actively investigating to ascertain the identity of the party responsible for its publication. The Promoter had further submitted that they were trying to identify the operator of the website domain and pursue appropriate legal action against the individuals involved. Further, the Promoter had also informed that the aforementioned website was inactive and no longer accessible.
3. Therefore, the Promoter was directed to implement a disclaimer on their official website. Furthermore, the Promoter was instructed to file a complaint with the cybercell to identify the responsible party. Additionally, the Promoter was also

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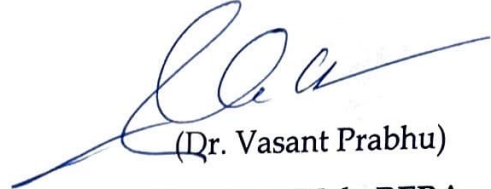
required to undertake measures to authenticate and verify that none of their channel partners were involved in the publication of the said website.

4. 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.
5. 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.
6. 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.”
7. 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.
8. Notwithstanding the circumstances at hand, The Promoter, herein referred to as The Prestige City, had not engaged in the dissemination of any promotional materials in the specified newspaper. Instead, an accused third party has perpetrated a deceitful action thereby assuming the role and identity of the Promoter. Consequently, The Prestige City cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act.

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9. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)
Secretary, MahaRERA