

**SUO MOTU ADVERTISEMENT
CASE NO. 53 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 53 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Fivebric

.... Respondent/ Promoter

MahaRERA Agent Registration No. – A51700033108

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent / Promoter.

ORDER

30th June 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 23/05/2023 to the Respondent above named for publishing an advertisement dated 29/04/2023 in Maharashtra Times Newspaper without registering the said project with MahaRERA Authority, situated at Navi Mumbai.
2. The Respondent had failed to appear for the previous hearing dated 09/06/2023.
3. The Respondent by its reply dated 28/05/2023, to the said show cause notice dated 23/05/2023, disclosed that he is a registered real estate agent of MahaRERA and deals in buying and selling of empty / open plots.
4. In this regard, a hearing was scheduled on 26/05/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Respondent appeared through its representative and made its submissions.
5. During the aforementioned hearing, the Respondent once again failed to appear even though the notice of hearing and the link for the hearing was duly served

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upon the Respondent.

6. In this regard, it is necessary to peruse the provisions of Section 9(5); Section 10(a) of the RERA and Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 which reads as under:

"9(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act."

"10(a) Every real estate agent registered under Section 9 shall not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority."

"14(2) Every registered real estate agent shall quote his number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

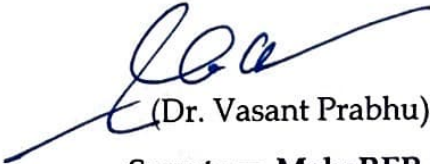
7. From the plain reading of the above-mentioned sections, the Real Estate Agent is under obligation to mention the agent registration number along with the project registration number in the advertisements issued by it. In the present case, the Respondent had published a small-sized advertisement dated 29/04/2023 in Maharashtra Times Newspaper. However, the Respondent failed to publish the MahaRERA agent registration number and project registration number in the said advertisement. Hence the Respondent is in contravention of Section 9(5); Section 10(a) of RERA and Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.

8. In view of the above a penalty of Rs. 25,000/- under Section 62 of the RERA, is

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imposed upon the Respondent for violation of Section 9(5); Section 10(a) and Rule 14(2).

9. The said penalty shall be payable by the Real Estate Agent 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.
10. The Technical and Finance Departments of the MahaRERA Authority shall verify the payment of the said penalty.
11. With the above directions, the present case stands disposed of.


(Dr. Vasant Prabhu)
Secretary, MahaRERA