

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.54 OF 2023**

MahaRERA on its own Motion ..... Complainant

Versus

S. Raju Mane Group of Realty.

1. Gandharv City, Top Sambhapur.
2. Krushna Residency – Gadhinglaj.
3. Gokul Colony, Gokur Shirgaon near Azadnagar.
4. Ekvira Park-Aashta
5. Gajanan Park- Rajopadhyaynagar, Kolhapur.
6. Sadale Madale, Kolhapur View Farm House Plot.

**Unregistered Projects** ..... Respondent

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

**Appearance :- Adv. Ravi Shiralkar**

**ORDER**

29<sup>th</sup> August,2023  
(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on dated 26.04.2023 and 24.08.2023 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 and to impose penalty under Section 63 of the Act for contravention of the directions issued under MahaRERA Order No.46/2023, dated 29.05.2023 and to impose penalty under Section 62 of the Act for violation by real estate agents of Section 10(a) of the Act and Rule 14 of the Rules. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to

the Respondent-Promoter. Adv. Ravi Shiralkar for respondent/promoter appeared in the matter.

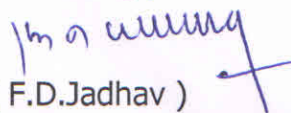
2. It has been noticed by the MahaRERA Authority that an advertisement has been published in newspaper 'Sakal' in regards to the projects (1) Gandharv City, Top Sambhapur, (2) Krushna Residency-Gadhinglaj, (3) Gokul Colony-Gokul Shirgaon, near Azadnagar, (4) Ekvira Park-Ashta, (5) Gajanan Park, Rajopadhyaynagar, near Mahadev Mandir, Kolhapur and (6) Sadale Madale, Kolhapur View Farm House Plot, Near Nisarg Resort without registering it with MahaRERA. On going through the record of MahaRERA Authority, it has been noticed that the aforesaid projects are not registered with MahaRERA. Therefore, by show-cause notice, dated 07.06.2023, the Respondent-Promoter was called to show cause as to why penal action under Section 59 of the said Act should not be initiated against him. The promoter through Adv. Ravi Shiralkar, has filed his say, dated 19.06.2023 to the said show cause notice. The notice of hearing was issued to the respondent on 20.07.2023 and respondent was asked to attend the virtual hearing of the matter on 25.07.2023.
3. Respondent by his reply, dated 19.06.2023, has submitted that there is no firm, partnership/proprietary concern is in existence which is owned or regulated by the respondent Shri Raju alias Sunil Shripati Mane and that he has not published the impugned advertisement of the said projects. The action under Section 59 of the Act 2016 therefore, cannot be invoked against the respondent.
4. Heard Adv. Ravi Shiralkar for the respondent. He has reiterated the contents made in the reply. He has stated that the respondent is not at all concern with the said projects and also the impugned advertisement. He has further contended that a group of football players have published the said advertisement on the occasion of birthday of the respondent. In support of his contention, the respondent has filed affidavit. It is contended by the promoter in the affidavit on oath before the Assistant

Superintendent, Civil Court, Senior Division, Kolhapur that he has neither launched any of the projects mentioned in the impugned advertisement either in Kolhapur City or anywhere nor he has any concern with the said projects. The respondent has identified some persons who had published impugned advertisement and issued notices to them. The persons namely, (1) Rupesh Shantaram Ghadashi, (2) Shashikant Annaso Patil, (3) Dattatraya Pandurang Mane and (4) Gajanan Pandit Sakpal (All are R/of Ujalaiwadi, Kolhapur) have also submitted their say to Shri Sunil Mane stating therein that on occasion of Birthday of Shri Sunil Mane, they have published advertisement as a token of birthday wish, as Shri Mane had given help to the some of the promoters of the impugned projects.

5. Perused the advertisement of the impugned project published in newspaper "Sakal", dated 01.06.2023. It contains the birthday wishes and name of birthday wishers as S Four A Group, Kolahpur. Also perused the say filed by these persons who have published impugned advertisement. Considering the affidavit filed by the respondent coupled with his reply and the contents in the advertisement, there appears substance in the arguments of Adv. Ravi Shiralkar that the respondent has no any concern with the said impugned advertisement and the projects mentioned in it. There also appears no any other cogent evidence to prove that Shri Sunil Mane is the promoter of these projects and he has some role in publishing the impugned advertisement.

6. As such there appears no iota of evidence against this respondent. Consequently, there is no proof at all to show the violation of Section 3 of the Act 2016 by the respondent.

7. In view of above, this is not a fit case to invoke the provision of Section 59 of the Act 2016. The matter is disposed off accordingly.

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