

**SUO MOTU ADVERTISEMENT
CASE NO. 61 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 61 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Ashiyana Dream Homes Pvt. Ltd.

.... Respondent/Promoter

MahaRERA Project Registration No. P52000017538

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Mr. Ashiyan Khot appeared for the Promoter.

ORDER

30th June 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 08/06/2023 to the Promoter above named for issuing an advertisement in the Lokmat Newspaper dated 28/05/2023 without mentioning the MahaRERA project registration number in regard to the project "**Ashiyana Infinity Phase 1**" bearing MahaRERA registration no. **P52000017538**, situated at Khopoli.
2. The Promoter by its reply dated 26/06/2023 to the show cause notice dated 08/06/2023, submitted that due to inadvertence the MahaRERA project registration number was not mentioned in the said advertisement. The Promoter acknowledged his error and stated that the error was due to a miscommunication on the part of his advertising agency, which unfortunately eluded his attention.


3. In this regard, a hearing was scheduled on 30/06/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter could appear through its representative and make its submissions.
4. During the course of the aforementioned hearing, the Promoter submitted that due to oversight, the MahaRERA registration number was not mentioned in the said advertisement. The Promoter further acknowledged his mistake and assured that necessary steps would be taken to prevent any such recurrence in the future.
5. 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."
6. 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.
7. Notwithstanding the circumstances of the present case, it has come to light that the Promoter did, in fact, release quarter-page advertisement

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in Lokmat Newspaper dated 28/05/2023. Furthermore, it has been brought to attention that the Promoter did not incorporate the MahaRERA registration number within the aforementioned advertisement.

8. Consequently, it is evident that the Promoter is in contravention of Section 11(2) of the Real Estate (Regulation and Development) Act.
9. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 61 of the RERA for violation of Section 11(2).
10. The said penalty shall be payable by the Promoter 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.
11. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.
12. In view of the above, the present case stands disposed of.


(Dr Vasant Prabhu)

Secretary, MahaRERA