

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.69 OF 2024**

MahaRERA on its own Motion

....Complainant

Versus

Trust Realty Pvt. Ltd.

.... Respondent-Agent

MahaRERA Agent Registration No.A52100030573

**Project- Home at Hinjewadi
Unregistered Project**

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

Appearance :-

Respondent : Mr. Navin Shah & Aarti Patil, A.R.

ORDER

11th June, 2024
(Through Video Conferencing)

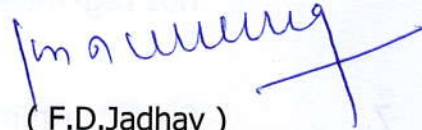
1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 29.04.2024 and thereby intimated the respondent that the advertisement published by respondent on Instagram of a real estate project under the name "Home at Hinjewadi" does not contain the MahaRERA Registration Number, the MahaRERA Website address and QR Code and therefore, prima facie, it is considered in violation of Real Estate (Regulation & Development) Act, 2016. ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than May 09, 2024.

2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 29.04.2024, the ASCI has sent mail, dated 16.05.2024 and thereby referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent and for disposal in accordance with law.
3. On the basis of mail dated 16.05.2024 sent by ASCI, a notice of hearing has been sent to the respondent on 20.05.2024 for attending the virtual hearing, dated 04.06.2024. The respondent has furnished his reply wherein he has apologized for the contravention of RERA Rules, etc. and further stated that he has already taken steps to rectify the issues as they have deleted the advertisement from instagram on immediate basis.
4. Mr. Navin Shah and Aarti Patil, A.R. for respondent-agent appeared in this matter and have reiterated the contentions raised out by the respondent in his reply. Mr. Navin Shah has voluntarily admitted the charges i.e. Section 10(a) leveled in the notice of hearing and has further stated that this is first mistake of the respondent and requested leniency to waive the charges without penalty.
5. Perused the impugned advertisement published on instagram. The name of project is mentioned as "Home at Hinjewadi". The location is mentioned as Hinjewadi. The phone numbers, email id, Agent Registration No. and website address of the respondent has been mentioned.
6. Section 10 of the Act, 2016 deals with functions of real estate agents. Section 10(a) is material in this matter, which reads as under :-

"10. Functions of real estate agents - Every real estate agent registered under section 9 shall— (a) 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."

7. On going through the record regarding registered projects with MahaRERA, it appears that the said project "Home at Hinjewadi" is not registered with the MahaRERA Authority. Respondent agent has also not stated that the said project was registered with MahaRERA. This respondent-agent is/was well aware about the fact that the said project is not registered with MahaRERA Authority, even though he had published the said advertisement and thereby facilitated the sale or purchase of flat in a project being sold by the promoter. By way of the said impugned advertisement as well as voluntary admission by the respondent about the contravention of RERA Act/Rules, it has been proved that the respondent-agent has facilitated the sale or purchase of the apartment in a real estate project, which is not registered with Authority, as mandatory under Section 3 of the Act, 2016. In view of this, it is clearly established and proved beyond reasonable doubt that this respondent has contravened the provision of Section 10(a) of the Act, 2016. Therefore, the penal provision under Section 62 of the Act, 2016 has to be invoked in the present matter for imposing penalty.
8. In view of the above, penalty of Rs. 20,000/- is imposed upon the respondent-agent under Section 62 of the Act, 2016 for committing violation of Section 10(a) of the Act, 2016.
9. The said penalty shall be payable by the respondent-agent within 15 days from the date of this order, failing which respondent-agent shall be liable to penalty of Rs.250/- per day, in addition, till the realization of entire amount.

10. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the respondent-agent for renewal, corrections, change of name etc., with respect to his license as a real estate agent.



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