

**SUO MOTU ADVERTISEMENT
CASE NO. 76 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 76 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Nilesh Laxmikant Kudalkar

.... Respondent/Promoter

MahaRERA Project Registration No. P51800031220

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

None appeared for the Promoter / Respondent.

ORDER

27th September 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 21/07/2023 to the Promoter above named for issuing an advertisement in the Maharashtra Times Newspaper dated 15/07/2023 without mentioning the MahaRERA project registration number in regard to their real estate project **"Kings My Homes"** bearing MahaRERA registration no. **P51800031220**, situated at Kurla.
2. The Promoter remained absent in the preceding hearing dated 01/09/2023 even though the notice of hearing and link of hearing was duly served upon the Promoter.
3. The Promoter, through its written submission dated 25/07/2023, stated that the MahaRERA project registration number of the real estate project has been mentioned in the said advertisement. The Promoter further submitted that due to lack of knowledge, the said registration number mentioned is small in size.
4. In this regard, a hearing was scheduled on 14/09/2023 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

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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. Considering the written submissions of the Promoter, it was noticed that the MahaRERA project registration number was mentioned along with the logo of the Promoter, but the registration number was illegible and not prominently mentioned.
7. 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.”
8. Upon interpretation of Section 11(2), it becomes apparent that the Promoter bears the responsibility to display the MahaRERA registration number of the project conspicuously and prominently in any advertisements or prospectus disseminated by them.
9. Notwithstanding the circumstances of the present case, it has come to light that the Promoter released a small-sized advertisement in Maharashtra Times Newspaper dated 15/07/2023. Further, the Promoter failed to publish the MahaRERA project registration number prominently and legibly within the aforementioned advertisement.
10. Consequently, it is evident that the Promoter is in contravention of Section 11(2) of the Real Estate (Regulation and Development) Act.
11. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under

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Section 61 of the RERA for violation of Section 11(2).

12. 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.
13. 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.
14. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA