

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

SUO MOTU ADVERTISEMENT CASE NO. 08 OF 2023

MahaRERA on its own Motion Complainant
Versus
Bhumesh Realtors Respondent/ Promoter

**MahaRERA Real Estate Agent Registration No. -
A50500013756**

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

Mr. Bhumeshwar Rajaram Peshane appeared for the respondent/
promoter.

ORDER

28th July 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 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 section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority had issued a show cause notice dated

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 08 OF 2023**

20/03/2023 to the Respondent above named for publishing an advertisement dated 18/03/2023, in the Daily Navbharat, Nagpur Newspaper, for not mentioning the MahaRERA project registration number prominently, in regard to the project "**Leverage Green Heights Wing B**" bearing MahaRERA registration no. **P50500049149**, situated at Shankarpur, Nagpur.

3. The promoter by its reply dated 23/03/2023, to the said show cause notice dated 20/03/2023, had submitted that Bhumesh Realtors is a real estate marketing company registered with MahaRERA having Real Estate agent number A50500013756. The Respondent had taken over aforementioned project for marketing purpose wherein the advertisement had been published in the Daily Navbharat Newspaper dated 18/03/2023 and duly contains the RERA Registration number. As the size of the advertisement was reduced to very small size, the RERA registration number appears blurred. Also, due to very small size of advertisement, the promoter could not publish its MahaRERA Real Estate Agent Number.
4. In this regard, a hearing was scheduled on 28/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
5. During the hearing, the promoter submitted that due to the very small size of the advertisement, the MahaRERA registration number appears blurred with the naked eyes, in the advertisement published in Daily Navbharat, Nagpur newspaper dated 18/03/2023. Promoter further submitted that due to very small size of an advertisement, it could not mention the MahaRERA Real Estate Registration Number. Promoter further sought an apology and assured that henceforth the MahaRERA Project registration number as well as its MahaRERA Real Estate Agent Number will be mentioned prominently which is visible to the naked eyes in all the advertisements published by it.

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) Even 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 ally 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 18/03/2023 in Daily Navbharat Newspaper. However, the Respondent failed to publish the MahaRERA agent registration number. The Respondent also failed to mention project registration number prominently which is visible to the naked eyes in the said advertisement.

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 08 OF 2023**

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. 5,000/- under section 62 of the of the Act,2016, is imposed upon the promoter for violation 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.
9. 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.
10. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
11. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)
**Dy.Secretary,
MahaRERA,Nagpur.**