

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

SUO MOTU ADVERTISEMENT CASE NO. 09 OF 2023

MahaRERA on its own Motion Complainant

Versus

Royal Buildcon Respondent/ Promoter

MahaRERA Project Registration No. P50500051087

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

Mr.Swapnil Khadgi 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 21/03/2023 to the promoter above named for publishing an advertisement dated 20/03/2023, on site flex board, without mentioning the MahaRERA

project registration number, in regard to the project **"Royal Heights"** bearing MahaRERA registration no. **P50500051087**, situated at Prerana nagar, Nagpur.

3. The promoter by its reply dated 10/04/2023, to the said show cause notice dated 21/03/2023, had submitted that there was Bhumipujan programme at the site as a part of inauguration of project and only a display board had been placed for an information purpose wherein MahaRERA registration number was missed by inadvertent oversight.
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 on itself and made its submissions.
5. During the hearing, the promoter admitted that by mistake only, the MahaRERA registration number was not mentioned in the display board on Project site. Promoter further submitted that there was no guilty mind in selling units without mentioning MahaRERA registration number. Promoter sought an apology for its mistake and further assured that henceforth the MahaRERA registration number will be mentioned.
6. 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."
7. From the plain reading of the section 11(2), the promoter is under obligation to mention prominently, the registration number of the project in the advertisements or the prospectus issued by it. However, in the present case, the promoter had displayed a board at project site with

project information on 20/03/2023. Promoter did not mention the MahaRERA registration number on board at project site. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project "**Royal Heights**" without MahaRERA registration number on board displayed at site.

8. In view of the above, a penalty of Rs. 10,000/- under section 61 of the of the Act, 2016, is imposed upon the promoter for violation of section 11(2).
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.

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(Sanjay Bhimanwar)

**Dy. Secretary,
MahaRERA, Nagpur.**