

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 37 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Homesfy Realty Limited Respondent

MahaRERA Agent Registration No.A51900000136

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

Appearance :-Mr.Shashank Mewada

ORDER

27th February, 2024
(Through Video Conferencing)

1. The present case has been initiated by MahaRERA Suo-motu against the real estate agent Homesfy Realty Limited, being registered real estate agent having registration with MahaRERA vide No.A51900000136, who have issued an advertisement on website <http://homesfy.in/projects/flats-in-pune/vtp-naturescape-bavdhan/2700> in respect of real estate project by name "VTP Naturescape Bavdhan" situated at Bavdhan, Pune which is not registered with MahaRERA and thereby violated the provisions of Section-10(a) of the Real Estate (R & D) Act, 2016. (hereinafter referred to as 'Act 2016')
2. Respondent-Agent has filed its reply on 19.02.2024. The Respondent-Agent contended in the said reply that their website is only a platform for advertisement and information of real estate

projects. According to the Respondent-Agent in most of the cases the information is sourced from either third parties or Public domain and therefore may not be accurate and in this background they encourage general public to carry out proper due diligence before signing any deal. It is further contended by the Respondent-Agent that they have provided a comprehensive disclaimer in respect of projects listed on their website. According to the Respondent-Agent they are not facilitating any sale or purchase of any flats in the project as alleged in the show cause notice. It is further contended by the Respondent-Agent that the content of the website in respect of "VTP Naturescape Bavdhan" Project is only for the purpose of information to help home buyers to make a inform decision and compare the choices available in the particular vicinity. The Respondent-Agent further contended that the content on the alleged website are focused on providing information to the prospective buyers and were not intended to promote the project for monetary gains. According to the Respondent-Agent they are law abiding professional organization and their company is a professional organization. They have conducted workshops, seminars and awareness programme for educating brokers on the compliance requirement under RERA Act and Rules made thereunder. Therefore the Respondent-Agent prayed for not to take any penal action against them.

3. Heard AR Shri.Shashank Mewada for Respondent-Agent. He has reiterated the same contents as raised out in the reply. He has admitted that the Respondent-Agent has issued advertisement on the website mentioned hereinabove in respect of real estate project by name "VTP Naturescape Bavdhan" Pune. However, according to him the said advertisement is for the purpose of information to the home buyers to make a inform decision and compare the choices

available in the particular vicinity. It is submitted by the AR Shir.Shashank Mewada that the alleged advertisement is for providing information to the prospective buyers and not intended to promote the project for monetary gains. In this background he has prayed not to take any penal action against them.

4. It can be seen from the record that the Respondent-Agent has admitted the fact that he has published the advertisement in the website mentioned hereinabove in regards to the project namely "VTP Naturescape Bavdhan" Pune. It is also admitted fact that the project "VTP Naturescape Bavdhan" is not registered with MahaRERA. The said facts itself sufficiently proves that the Respondent-Agent has violated the provision of Section-10(a) of the Act, 2016.
5. At this juncture it is relevant to go through the Section-10(a) of the Act, 2016, which reads as under:

Section-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"

(b) - - - - -

(c) - - - - -

(d) - - - - -


(e) - - - - -

6. The evidence on record manifestly shows that the Respondent-Agent has published advertisement of the aforesaid project on his website mentioned hereinabove. However, the contention of the Respondent-Agent is that he has published the said advertisement for the information of the public at large. The said admission itself sufficiently proves that this Respondent-Agent has facilitated the sale or purchase of flat being sold by promoter of the project which is not registered with MahaRERA and thus contravened the provisions of Section-10(a) of the Act, 2016. Infact the Respondent-Agent has to confirm in the first instance whether the project is registered with MahaRERA or not, prior to publishing such advertisement. If, in case the said project is not registered with MahaRERA, prior to publishing the advertisement, then his such act certainly falls within the scope of Section-10(a) of the Act, 2016.

7. Considering the evidence adduced on record, as well as the relevant provisions of law and the admission by Respondent-Agent for publishing the impugned advertisement, it can be said that this is a fit case to impose penalty under Section-62 of the Act, 2016 for violation of Section 10(a) of the Act, 2016. However, considering the work of the Respondent-Agent viz conducting workshops, seminars and awareness programme for educating brokers on the compliance requirements under RERA Act and Rules made thereunder, a lenient view is required to be taken in this matter while imposing penalty under Section-62 of the Act, 2016.

8. In view above, the penalty of Rs.10,000/- is imposed upon the Respondent-Agent under Section-62 of the Act, 2016 for violation of Section-10(a) of the Act, 2016.

9. The penalty imposed hereinabove shall be payable by the Respondent-Agent within a period of 15 days from the date of uploading of this order, failing which respondent is liable to pay further 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 registration with MahaRERA.


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