

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

SUO MOTU ADVERTISEMENT CASE NO. 04 OF 2023

MahaRERA on its own Motion Complainant

Versus

Royal Realities Respondent/ Promoter

MahaRERA Project Registration No. P50500006104

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

CA. N. Husain appeared for the respondent/ promoter.

ORDER

29th May 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 21/04/2023 to the promoter above named for publishing an advertisement dated 21/04/2023, in the Navbharat, Nagpur Newspaper, without mentioning the MahaRERA project registration number, in regard to the

project **"Royal Homes"** bearing MahaRERA registration no. **P50500006104**, situated at Wathoda, Nagpur.

3. The promoter by its reply dated 27/04/2023, to the said show cause notice dated 21/04/2023, had submitted that there had been inadvertent oversight from the Marketing team and that too because of change in staff in designing section due to which the MahaRERA registration number was not mentioned in the advertisement dated 21/04/2023.
4. In this regard, a hearing was scheduled on 29/05/2023 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 inadvertent oversight by the Marketing team, the MahaRERA registration number was not mentioned in the advertisement published in Navbharat, Nagpur newspaper dated 21/04/2023. The promoter further submitted that the new designing staff has shown MahaRERA logo in advertisement but inadvertent forgot to show MahaRERA registration number. Promoter further submitted that he has no intension to advertise the real estate project without MahaRERA registration number. Promoter further assured that henceforth the MahaRERA registration number will be mentioned in all the advertisements.
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

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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 has published an advertisement in the Navbharat, Nagpur newspaper dated 21/04/2023. Promoter did not publish the MahaRERA registration number in the said advertisement dated 21/04/2023 issued by it in the Navbharat, Nagpur newspaper. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project "**Royal Homes**" without MahaRERA registration number in the said advertisement.

8. In view of the above, a penalty of Rs. 25,000/- 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.

Sanjay
(Sanjay Bhimanwar)

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