

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.25 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Badhekar Properties

.... Respondent

**MahaRERA Project Registration No.(1) P52100029132,
(2) P52100030309 & (3) P52100034495**

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

Appearance :- Adv. Mayur Pawar

ORDER

27th June, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on 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 the provision of Section 3 by the promoter and to impose penalty under Section 61 of the Act for contravention of Section 11(2) of the Act etc. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notice of hearing was served to the Respondent-Promoter. Heard the parties and thereafter decided the matter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the daily Newspaper 'Maharashtra Times'. Dated 22nd March, 2023 without mentioning the MahaRERA Registration number, in regards to the projects viz. (1) "Keshar", (2) "Arunali" and (3) "Sneh" has been published by the Promoter. On going through the record of

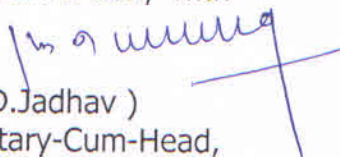
MahaRERA Authority, it has been noticed that the aforesaid projects are registered with MahaRERA vide Registration No. P52100029132, (2) P52100030309 and P52100034495 respectively. Therefore, by show-cause notice, dated 28.03.2023, the Respondent-Promoter was called to show cause as to why penal action under Section 61 of the said Act should not be initiated against him.

3. Promoter has filed his say/reply wherein it is contended that in the said advertisement, promoter has clearly mentioned as "Projects registered under MahaRERA" and there is no any intention to mislead the public at large. Inadvertently the said registration numbers are not mentioned in the said advertisement. He had also decided to publish rectified advertisement and accordingly modified the said wrong advertisement. Heard Adv. Mayur Pawar for the promoter. He has reiterated the contentions made in the reply.
4. Perused the advertisement published in Maharashtra Times, dated 22.03.2023. It is related to the aforesaid projects launched by the promoter and the name of the Promoter is given as Badhekar Group. The said advertisement do not reflects RERA No. However, at the bottom, the words "Projects Registered under MahaRERA" are mentioned. Merely mentioning "Projects registered under MahaRERA" would not be suffice and would not serve the object and purpose of Section 11(2) of the Act, 2016. The purpose of mentioning RERA Registration No. is that the public-at-large can go through it and view at a glance all the required particulars in respect of the project. Apart from this, promoter himself admitted that he has published advertisement of three projects without mentioning MahaRERA Registration numbers. Thus it is clearly proved that this promoter has violated Section 11(2) of the Act, 2016.
5. At this juncture it is necessary to go through Section 11(2) of the Act, 2016 which reads as under:

Sec-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."

6. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project on the advertisement issued by him. In this matter the Promoter has admitted that they have published the advertisement of their projects without mentioning MahaRERA Registration numbers. In view of this, the entire responsibility lies with promoter.
7. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that the promoter has violated the provision of Section 11(2) of the Act, 2016 for publishing the advertisement without MahaRERA registration number, and thus this is a fit and suitable case to impose penalty.
8. Section 61 of the Act, 2016 deals with penalty for contravention of other provisions of this Act. The said provision, inter alia, states that.....
..... promoter shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority. However, considering the facts and circumstances of this case lenient view ought to be taken while imposing the penalty in the matter.
9. In view of the above, the penalty of Rs.30,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for violation of Section 11(2) of the Act, 2016.
10. The said penalty shall be payable by the promoter within 30 days from the date of this order, failing which promoter shall be liable to penalty of Rs.1,000/- per day, in addition, till the realization of entire amount.
11. The Technical and the Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications viz. extension, corrections, change of name etc., with respect to the said project.


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