

**SUO MOTU ADVERTISEMENT
CASE NO. 04 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 04 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Dilip Estate & Town Planners Pvt. Ltd.

.... Respondent/ Promoter

MahaRERA Project Registration No. P51900006119

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Adv. Rohan Fernandez appeared for the respondent/ promoter.

ORDER

18th April 2023

(Through Video Conferencing)

1. The MahaRERA authority had issued a show cause notice dated 20/03/2023 to the promoter above named for publishing an advertisement dated 18/03/2023, in the local newspaper, without mentioning the MahaRERA project registration number, in regards to the project "**Dilkap Grandeur**" bearing MahaRERA registration no. **P51900006119**, situated at Powai, Mumbai.
2. The promoter by its reply dated 28/03/2023, to the said show cause notice dated 20/03/2023, had submitted that the said advertisement was issued by the advertising agency and it has informed the advertiser about the MahaRERA registration number. However, due to inadvertence, the advertiser omitted to mention the same in the advertisement. The promoter further submitted that since the advertisement has already gone for publishing, the necessary changes could not be made and hence the MahaRERA registration number could not be mentioned.

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3. In this regard, a hearing was scheduled on 17/04/2023 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.
4. During the hearing, the promoter submitted that the advertisement was issued by their advertising agency and due to inadvertence, the advertiser omitted to mention the MahaRERA registration no. in the advertisement. The promoter further submitted that they had taken up the issue with their advertiser and the advertising agency had issued an apology letter to them for the same. The promoter also mentioned that they had issued advertisements on 19/03/2023 and 21/03/2023 bearing the MahaRERA registration numbers.
5. 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."
6. From the plain reading of 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 has published a small-sized advertisement in the local newspaper dated 18/03/2023. Further, the promoter has failed to publish the MahaRERA

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registration number in the said advertisement dated 18/03/2023 issued by it in the local newspaper. Hence, the promoter is in violation of section 11(2) of RERA.

7. In view of the above a penalty of Rs. 50,000/- under section 61 of the RERA, is imposed upon the promoter for violation of section 11(2).
8. 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.
9. 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.
10. With the above directions, the present case stands disposed of.

(Dr Vasant Prabhu)
Secretary, MahaRERA