

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.166 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Aakar Buildcon

Aakar Buildcon

.... Respondent

**MahaRERA Project Registration No.P51600031703**

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

Appearance :- Mr. Anand Ganore, A.R.

**ORDER**

16<sup>th</sup> January, 2024

(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 23.11.2023 to the respondent-promoter calling upon him as to why penalty should not be imposed under Section 61 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") against him for publishing an advertisement in Maharashtra Times, dated 28.10.2023 of real estate project "Aakar Nakshatra" situated at Khate Galli, Nashik registered with MahaRERA under project registration number No. P51600031703 without including the said project registration number in the said advertisement, and thereby violating the provision of Section 11(2) of the Act etc.
2. The respondent-promoter has filed his reply, dated 16<sup>th</sup> January, 2024, wherein it has been contended that the advertisement was published without Registration number by the appointed advertisement agency. The respondent has further submitted to waive off the penalty on the ground that previously the respondent has paid penalty of Rs. 20,000/-.

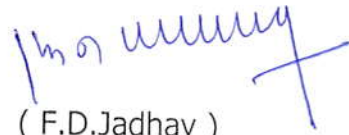
3. Heard Mr. Anand Ganore, A.R. for respondent. He has reiterated the contentions raised out by the respondent promoter. He voluntarily admits the charges leveled in the show cause notice and prayed for lenient view while imposing penalty.
4. The provision of Section 11(2) of the Act, 2016 is relevant in the matter. It 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."**

5. 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 prominently in the advertisement issued by him. Perused the impugned advertisement in daily newspaper 'Maharashtra Times', dated 28.10.2023. It does not contain RERA Registration Number of the said real estate project.
6. The real estate project of which advertisement is published in the instant case, is the ongoing project. The Promoter has admitted to have published the advertisement. Therefore, by publishing the said advertisement in question without mentioning MahaRERA registration number, manifestly shows that promoter has breached Section 11(2) of the Act, 2016 and therefore, liable for penalty under Section 61 of the Act, 2016.
7. Considering the facts *vis-a-vis* law discussed hereinabove and the voluntary admission of the respondent-promoter, it can be said that it has been proved beyond reasonable doubt that the promoter has violated the provision of Section 11(2) of the Act, 2016 for publishing the

advertisement without MahaRERA registration number. The respondent has argued that since he has paid Rs.20,000/- penalty in another matter, so consider the same and waive off the penalty in this matter. It can be said that the respondent has to pay penalty in each violation of law. So, the ground made out by the respondent-promoter of payment of previous penalty cannot be maintainable. Thus this is a fit and suitable case to impose penalty under Section 61 of the Act, 2016.

8. In view of the above, the penalty of Rs.20,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for violation of Section 11(2) of the Act, 2016.
9. The said penalty shall be payable by the promoter within 10 days from the date of this order, failing which promoter shall be liable to 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 promoter for extension, corrections, change of name etc., with respect to the said project.

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

