

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.146 OF 2023**

MahaRERA on its own Motion	....	Complainant
Versus		
VTP Realty		
"Naturescape Bavdhan"		
Unregistered Project	....	Respondent

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

**Appearance :- Adv. Radhikesh Uttarwar**

**ORDER**

2<sup>nd</sup> February, 2024  
(Through Video Conferencing)

1. MahaRERA has initiated the present suo-motu proceedings against the respondent-promoter for publishing an advertisement through website <https://www.vtppune.co.in/project/vtp-luxe-bavdhan/> of its real estate project "Naturescape Bavdhan" situated at Bavdhan, Pune without registering the same with MahaRERA, and thereby violating the provision of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called as "Act 2016").
2. In pursuance of the show cause notice, dated 17.11.2023, the respondent-promoter has filed its reply, dated 27.11.2023 and contended that it has not created the subject website and do not own or control the same. It is further contended by the respondent-promoter that it has not connected in any way with the said subject website and contents in the same are neither published by it nor it has given any permission to create subject website or

published any material. It is also contended by the respondent-promoter that the subject website has been created without its knowledge. The respondent-promoter has further contended that it has not issued the advertisement through the subject website without registering the project and it has not violated the provisions of the Section 3 of the Act, 2016 and therefore, it's not liable for penal action under Section 59 of the Act, 2016.

3. The respondent-promoter has furnished written notes of arguments, dated 16.01.2024 and reiterated the contentions made out by it in its reply, dated 17.11.2023. It has been submitted by the respondent that the subject website has neither been created by it, nor in any way, the respondent is related with the subject website. It is further submitted that the subject website is neither owned nor controlled by the respondent in any manner and the respondent has not given any permission to create subject website or publish any material through subject website. It is further submitted by the respondent that the contents in the subject website have not been published by the respondent and the respondent is not engaged in publishing material on the subject website. The respondent has further urged that he has not violated the provisions under Section 3 of the Act, 2016 and therefore, is not liable for penal action under Section 59 of the Act, 2016. Lastly, respondent has prayed to withdraw the notice and dispose off the case as not fit to impose penalty under Section 59 of the Act, 2016.

4. Later on the promoter has furnished a copy of police complaint, dated 01.02.2024 lodged with Police Inspector, Chandannagar Police Station, Pune in respect of the fake website involved in this matter. Perusal of said police complaint reveals that the same is lodged against unknown person for creating forged

website and the said website does not belong to the promoter and contents therein is also not of the promoter.

5. The website if opened, it states the name of project VTP NATURESCAPE BAVDHAN with location, price and project highlights, amenities, etc. The said website also displays symbol of MahaRERA, words "MahaRERA Registration No." however, the number is not mentioned therein. It further displays words "Coming Soon" and "available at <http://maharera.mahaonline.gov.in>". The website thus definitely used for misleading the homebuyers that the project is registered with MahaRERA.

6. There is no any evidence on record to show that this promoter has given consent or authorization to the unknown person who has published impugned advertisement on impugned website. As this promoter has/had not known about this website and impugned advertisement published therein, he has lodged FIR before the concerned Police Station, Pune. These facts unequivocally goes to show that this promoter is not liable for the advertisement of the project published in the impugned website. Therefore, for want of any incriminating evidence on record, the charges leveled in the show cause notice, dated 17.11.2023 are not proved against the promoter.

7. Consequently the provision of Section-3 of the Act, 2016 will not be attracted in this matter. Therefore, penalty under Section 59 cannot be invoked in the matter. The matter therefore, disposed off without imposing any penalty.

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