

**SUO MOTU ADVERTISEMENT
CASE NO. 168 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 168 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Jayesh Infrastructure and Projects Private Limited

....Respondent/Promoter

MahaRERA Project Registration No. – Unregistered Project

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Promoter / Respondent.

ORDER

19th June 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 29.04.2024 to the Promoter above named for issuing an advertisement on a website dated 02.04.2024 in regard to their real estate project "Jayesh Iconic" situated at Navi Mumbai without registering the said real estate project with MahaRERA.
2. The Promoter, inspite of having received the intimation letter from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
3. In this regard, a hearing was scheduled on 19.06.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter could have appeared through its representatives and made its submissions.
4. However, during the aforementioned hearing, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Promoter.

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5. In this regard, it is necessary to peruse the provisions of Section 3 of the RERA which read as under

"3. No Promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."

6. An interpretation of Section 3 reveals that the Promoter is legally obligated to refrain from engaging in activities such as advertising, marketing, booking, selling, or inviting individuals to purchase any plot, apartment, or building unless the real estate project in question has been duly registered with MahaRERA.
7. In the present case, it has been established that the Promoter had published an advertisement on a website without fulfilling the requisite registration process with MahaRERA Authority for the advertised project.
8. Furthermore, since the said real estate project "Jayesh Iconic" is not registered with the MahaRERA Authority as per the mandates of Section 3 of the Real Estate (Regulation and Development) Act, 2016, the matter can be taken up as a source Complaint.
9. Therefore, the matter to be referred to Legal Consultant, Mrs. Nalini Sathe for further necessary action.
10. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu

Secretary, MahaRERA