

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

**SUO MOTU ADVERTISEMENT CASE NO. 01 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

BWM Infracon Pvt.Ltd.

.... Respondent/ Promoter

**MahaRERA Project Registration No. P50500048965**

**Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA**

Mr. Abhay Wakhare appeared for the respondent/ promoter.

**ORDER**

29<sup>th</sup> May-2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me 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 section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority had issued a show cause notice dated 08/03/2023 to the promoter above named for publishing an advertisement dated 03/03/2023, in the Lokmat, Nagpur Newspaper, without mentioning the MahaRERA project registration number, in regard to the project

"Anand Mangal Residency" bearing MahaRERA registration no. P50500048965, situated at Nagpur.

3. The promoter by its reply dated 16/03/2023, to the said show cause notice dated 08/03/2023, had submitted that there had been a mistake from the side of Advertising Agency due to which the MahaRERA registration number was not mentioned in the advertisement dated 03/03/2023.
4. In this regard, a hearing was scheduled on 29/05/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared and made its submissions.
5. During the hearing, the promoter submitted that due to mistake by the Advertising Agency, the MahaRERA registration number was not mentioned in the advertisement published in Lokmat, Nagpur newspaper dated 03/03/2023. The promoter further submitted that the Advertising agency has also sought an apology in writing for its mistake. Promoter further assured that henceforth the MahaRERA registration number will be mentioned in all the advertisements.
6. 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."***
7. From the plain reading of the 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. In the present case, the promoter through Advertising agency has published an advertisement in the Lokmat, Nagpur newspaper dated 03/03/2023. Although, the

**SUO MOTU ADVERTISEMENT /  
NAGPUR/ CASE NO. 01 OF 2023**

advertisement is published through Advertising agency but the onus is on the promoter of the project. Consequently, it can be legally inferred that such advertisement has been published by the promoter himself. Hence, the promoter is in violation of section 11(2) of the Act, 2016 for publishing the advertisement of the said project **"Anand Mangal Residency"** without MahaRERA registration number in the said advertisement.

8. In view of the above, a penalty of Rs. 25,000/- under section 61 of the of the Act,2016, is imposed upon the promoter for violation of section 11(2).
9. 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.
10. 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.
11. With the above directions, the present case stands disposed of.

*Sanjay Bhimanwar*  
(Sanjay Bhimanwar)  
**Dy.Secretary,  
MahaRERA,Nagpur.**