

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.23 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Ravetkar Realities Respondent
Unregistered Projects
At Prabhat Road, Ideal Colony,
Lokmanya Colony (Vanaz), Right Bhusari Colony,
Gururaj Society (Paud Road), Pune.

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

Appearance :-C.A. Brij Phule for Respondent.

ORDER

9th February, 2024
(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 23.01.2024 to the Respondent-Promoter as to why penalty should not be imposed upon him under Section-59 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") for publishing advertisement of his real estate project situated at Prabhat Road, Ideal Colony, Lokmanya Colony (Vanaz), Right Bhusari Colony, Gururaj Society (Paud Road), Pune in daily newspaper "Sakal" on dt.21.12.2023 without registering the same with MahaRERA, and thereby violating the provision of Section-3 of the Act, 2016.
2. In pursuance of the aforesaid show-cause notice, Respondent-Promoters have filed their reply, dated 24.01.2024. The respondent have contended that the advertisement deals with the promotion of the

promoter i.e. Ravetkar group and its promotion policies for the new year 2024 and not of any of its projects. The respondent have further contended that they have even not named any of their projects in the said advertisement. The respondent/promoters have further contended that the intention behind the words stated in the said advertisement being "Get a mega discount upto Rs.25 lakhs" and "Avail this delight at Pune's Choicest Locations" is to exhibit the quantum of the discount policy and the locations being mentioned in order to relate the said quantum of discount proposed to be given even in the mentioned cream areas of Pune where they have their market share of their redevelopment real estate business. It is the contention of the respondents that the ulterior motive for mentioning the locations, was to encourage housing societies in those/similar areas to come to them for redeveloping their societies thereby enhancing their business. The respondent has further contended that whenever they have published their project specified advertisements they have published all required MahaRERA details including the MahaRERA Logo, MahaRERA Registration number, MahaRERA website and QR Code in the newspaper leaflets. The respondents/promoters have furnished the names and registration numbers of their 18 projects. According to respondent/promoters, they have not in any way contravened Section-3 as they have not advertised any of their projects without Maharera registration. Lastly the respondent/promoters have requested that penal action under Section-59 of the Act should not be levied on them due to non-contravention of Section-3 of the Act, 2016 by them.

3. C.A. Mr. Brij Phule for respondent appeared in the matter. Heard C.A. Mr.Brij Phule on behalf of respondent. He has reiterated the contentions made out in the reply by the promoters. Mr. Brij Phule has submitted that the impugned advertisement was published for

promotion of the promoters and not for any particular project. No name of particular project is mentioned in the advertisement. He has further submitted that all their projects are registered with MahaRERA. Mr.Phule has further argued that the said advertisement was for promoter's company promotion and thus according to him there is no breach of Section-3 of the Act, 2016 by the Promoter.

4. Perused the impugned advertisement. It contains "Save up to Rs.1111 per sq. ft. and get a mega discount up to Rs.25 lakhs". It further contains "Avail this delight at Pune's choicest locations Prabhat Road, Ideal Colony, Lokmanya Colony (Vanaz), Right Bhusari Colony, Gururaj Society (Paud Road)". The impugned advertisement is titled as "New Year-Ravetkar Fest 2024". There is no any particular name of the project mentioned in the said advertisement. Also perused the advertisement furnished by the promoter of his other projects. The advertisements of other projects furnished by the respondent/promoters are containing the MahaRERA Registration numbers, QR Codes and MahaRERA website address.

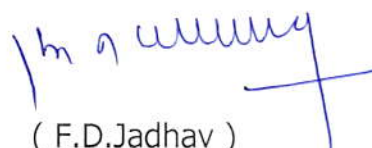
5. In this matter the show cause notice has been issued to the promoter for contravention of Section-3 of the Act, 2016. Section-3 of the Act, 2016 deals with registration of a real estate project. It reads as under.

"Section-3. (1) 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. It is evident from the impugned advertisement that name of any of the projects of the respondent/promoters have not been mentioned in it. Therefore, it cannot be said that it has been published in respect of a particular project. The impugned advertisement is for the promotion of respondent company. It certainly implies that there is no violation of Section 3 of the Act, 2016 by this promoter. However, the intention of the promoter behind publishing this advertisement appears to attract the public at large to purchase their flats on account of getting mega discount and getting more business by way of getting redevelopment projects from the housing societies. It manifestly indicates the purpose behind such advertisement is to invite the public at large to invest in their project as well as to get more business by way of getting redevelopment work to this promoter. This act of the promoter would have certainly fall within the ambit of Section-3. However, in this advertisement this promoter has not named any of his real estate project. Besides this, according to him this promoters all real estate projects are duly registered with Maharera. In this background it can be said Section-3 would not apply in this matter. However considering the purpose behind impugned advertisement, it can be inferred that this promoter is trying to escape from the clutch of the scope of Section-3 by giving such type of advertisement. Therefore it is advisable that this promoter has to deprecate such practice henceforth and observe the provisions of Rera Act/Rules, Orders, Circulars issued by Maharera Authority in its true letter and spirit. Otherwise it may invite stern action as per the relevant provision of law.
7. Considering the evidence on record adduced by the respondent-promoter and the provisions of the Act, 2016 it can be said, no case is made out against the respondent-promoter for violation of Section-3 of the Act, 2016. There is no evidence to prove that this respondent has

breached the Section- 3 of the Act of 2016. Under these circumstances, Section-59 of the Act of 2016 cannot be invoked in the matter. Consequently, the penalty under Section-59 of the Act, 2016 cannot be imposed in the present matter.

8. The matter therefore, stands disposed off without imposing any penalty.


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

