

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE**

Video Conferencing Hearing as per MahaRERA Order No.593/2023

SUO MOTU ADVERTISEMENT PUNE CASE NO. 83 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

LEGACY LIFESPACES LLP

... Respondent-Promoter

NAME OF THE PROJECT – AQUA LIFE.

Maharera Real Estate Project Registration No. P52100078125

Appearance :- Adv. Kiran Vispute for Respondent-Promoter

ORDER

2nd JULY, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from "facebook", which does not contain **MahaRERA Website Address** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 16.01.2025** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **January 27, 2025**.
2. Since the respondent has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.

3. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No. MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, show cause notice was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.
4. The respondent-promoter in response to the said show cause notice, filed his say dated 27.05.2025. It has been contended by the respondent-promoter that the impugned advertisement was mistakenly published by their advertising agency without mentioning the MahaRERA website address. It is further contended that as per the mail, the said advertising agency has withdrawn the impugned advertisement, but unfortunately missed to inform the same to the authority. The respondent-promoter submits that this is the first time there has been an error and apologized for the inadvertent mistake. It is submitted on behalf of the respondent that there is no intention on his part to defraud the customer or violate any law. Lastly, the respondent prayed not to initiate any penal action against him.
5. Perused the impugned advertisement. It does not contain MahaRERA website address, as mandated under Section 11(2) of the RERA. Section 11(2) of RERA is reproduced hereunder.

"Section 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."
6. Heard Adv. Kiran Vispute for the Respondent-Promoter. She reiterated the contentions raised out by the respondent in his say. She argued that the impugned advertisement was withdrawn by the advertising agency of the respondent-promoter on receipt of intimation, but unfortunately

communication to that effect was missed. She has further submitted that it was a first time error on the part of the respondent-promoter and prayed that no any penal action be taken against the respondent for an unintentional mistake.

7. Though the respondent-promoter has submitted that the impugned advertisement has been withdrawn by its advertising agency, still the fact remains that unless and until any substantial evidence is produced on record to show that the impugned advertisement has been withdrawn or modified within the timeline given by the ASCI, the same cannot be considered for want of any documentary evidence. The respondent-promoter has accepted that the impugned advertisement was not containing MahaRERA website address. Therefore, it manifestly proves that there is violation of provision of Section 11(2) of RERA on the part of the respondent-promoter. As such, this is a fit case to invoke the provision of Section 61 of the RERA.
8. It has been submitted on behalf of the respondent-promoter that this is first time error on his part and it was inadvertent mistake with no intention to violate the legal provision. Section 61 of RERA provides penalty for violation of Section 11(2), which may extend upto five per cent of the estimated cost of the real estate project, as determined by the Authority. Considering the submissions made on behalf of the respondent-promoter, it will be just and proper in the interest of justice to take lenient view for considering the quantum of penalty.
9. Penalty of Rs.10,000/- under Section 61 of the Act, 2016 has been imposed against the respondent-promoter for violation of Section 11(2) of the RERA Act, 2016.
10. The aforestated penalty shall be payable by the respondent within 15 days from the date of enforcing penalty, failing which respondent shall be liable to penalty of Rs.1000/- per day, in addition, till the compliance.

11. 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.
12. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter is disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE