

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.95 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Aakar Group of Construction

'AAKAR CELESTIA'

.... Respondent

Project Registration No. P51600030443

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

Appearance :- Mr. Anand Ganore, A.R. for respondent.

ORDER

2nd Nov., 2023

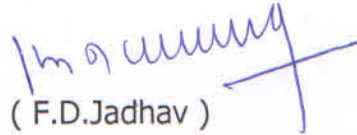
(Through Video Conferencing)

1. The present matter has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing advertisement of his projects "AAKAR CELESTIA" in the daily newspaper "Maharashtra Times", dated 12.08.2023 wherein the respondent-promoter has not included Quick Response (QR) Code in the said advertisement and thereby violated the directions issued by the MahaRERA Authority under MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. In pursuance of the aforesaid advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016"), dated 26.04.2023 and 24.08.2023 show cause notice, dated 04.09.2023 has been issued to the respondent-promoter calling upon him as to why necessary action should not be taken against him for imposing penalty under Section 63 of the Act, 2016.
3. It has come on record that the promoter has issued the impugned advertisement without including QR Code. Therefore, show cause notice

was issued against him. Notice of hearing, dated 26.09.2023 was issued to the respondent-promoter and respondent was directed to attend the virtual hearing, dated 13.10.2023. On the said date the respondent-promoter remained absent and therefore, the matter was adjourned to 19.10.2020. Mr. Anand Ganore, A.R. for respondent appeared and matter was adjourned to 02.11.2023 for furnishing reply and documents. In the meanwhile, the respondent-promoter has filed his reply, dated 31.10.2023 wherein he has contended that the occupancy certificate has already been received from Nashik Municipal Corporation on 17th April, 2023.

4. Heard Mr. Anand Ganore, A.R. for respondent. He has reiterated the contentions raised by the respondent-promoter in his reply. In support of its contentions, respondent-promoter has filed final occupancy certificate, dated 17.04.2023 issued by Nashik Municipal Corporation and Form No.4 issued by Architect Priyanka Gupta, dated 25.04.2023.
5. Perused the documents filed on record by the respondent-promoter. Perusal of occupancy certificate issued under Section 263 of the Bombay Provincial Municipal Corporation Act, manifestly shows that the project of the respondent is completed on 25.04.2023.
7. In the order of Shri Mahesh Bhagwat case, the earlier orders passed by Mumbai Authority in the cases of MahaRERA on its own motion v/s. Avi Constructions and MahaRERA at its own motion v/s. A.K. Surana were referred wherein it was held that, **"since the promoter had already obtained O.C. for the said project before advertisement was published, the promoter is not in violation of Section 11(2)".** Similar facts exists in this matter also, therefore, the ratio laid down in all above referred cases will be applicable to the facts of this case.
8. Taking into consideration the facts of the present case, supported with the documents produced on record, it can be said that there is no violation of Section 11(2) of the Act, 2016 read with Order No.46/2023

and 46A/2023 issued by MahaRERA. Therefore, this is not a fit case to invoke the provisions of Section 63 of the Act, 2016 read with Order 46 and 46A/2023. The matter therefore, stands disposed off without imposing any penalty upon the respondent-promoter.


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