

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.96 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

**VTP Realty**

.... Respondent-Promoter

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

**Appearance :-**Mr.Ashutosh Bag A.R. for respondent.

**ORDER**

16<sup>th</sup> November,2023  
(Through Video Conferencing)

1. The present case has been initiated by MahaRERA suo-motu against the respondent for publishing advertisement of the above stated real estate project namely "EARTH1 BY VTP LUXE PHASE 1, 2 & 3 on website <https://vtp-earthone-pune.in/> situated at Mahalunge, Pune for sale of flats without registering the said project with MahaRERA and thereby violated the provision of Section-3 of the Real Estate (Regulations & Development) Act, 2016.(hereinafter referred to as "Act, 2016")
2. In pursuance of the above advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the Act 2016 dated 26-04-2023 and 24<sup>th</sup> August, 2023, show cause notice was issued on 07.09.2023 to the Respondent-promoter for taking action of imposing penalty against the Respondent under Section-59 of the Act, 2016 for violation of Section-3 of the said Act, 2016. The Respondent-promoter in his reply dated 13-09-2023 has denied to have issued an advertisement without registering the said project with MahaRERA. The Respondent has further submitted that they have neither created the website <https://vtp-earth1-pune.in/> nor they have issued advertisement through this website. According to the Respondent this website has been created without their

knowledge and permission. The Respondent has in his reply assured that they are going to take legal action against the person involved for the miscreant acts. In this background the Respondent has prayed to withdraw the show cause notice.

3. Mr.Ashutosh Bag A.R. has appeared for Respondent-promoter. He has reiterated the contentions of the promoter in his reply. He has further stated in his reply dated 11-11-2023 that there is no entity named as "VTP Realty" to which the show cause notice has been addressed. The Respondent has on its own treated the same as Mahalunge Real Estate Developers Pvt. Ltd. It is further submitted by the Respondent in his reply that the Mahalunge Real Estate Developers Pvt. Ltd. (MREDPL) has not created the website and not issued any advertisement in respect of their Real Estate Project "Earth1" without registering the same with Maharera. He has further submitted that the Respondent has filed complaint before the Senior Inspector, Chandannagar, Police Station, Pune against the unknown person involved in creating the website <https://vtp-earth1-pune.in/> and publishing illegal advertisement. The Respondent has submitted the copy of complaint filed before the Police Inspector, Chandannagar Police Station, Pune.
4. The Respondent in his complaint dated 10-11-2023 filed before the Police Authorities has stated specifically that some unknown person has created the website <https://vtp-earth1-pune.in/> and given advertisement therein without the consent and authority of the promoter. It has been further stated in the said complaint that the aforesaid website is not the official website of the Respondent company. As such according to the promoter this website is totally illegal and the flat purchasers can be cheated by this illegal advertisement. It has been further contended in the said complaint that as the name of Respondent company has been used in the said advertisement, the Respondent has to face the consequences of the same. In this background the Respondent prayed the Police Authorities to take legal action against the creator of the



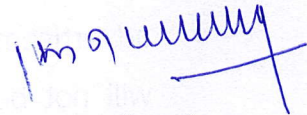
website <https://vtp-earth1-pune.in/>, register the offence and take appropriate action against the creator of the website.

5. In view of the above stated reply dated 13-09-2023 and 11-11-2023 couple with the complaint dated 10-11-2023 lodged with the Chandannagar Police Station, Pune indicates that the promoter is not liable for impugned advertisement on website page of project Earthone. It can be seen from the record that this promoter has neither given approval nor authorization for such impugned advertisement nor the person who published the advertisement sought approval from the promoter. It specifically shows that this promoter was not knowing in respect of advertisement published by the person on their own website. Therefore it will not be just and proper to hold responsible to the promoter for the breach of the provision of Section-3 of the Act, 2016.
6. It can be seen from the record that this promoter was not aware of the impugned advertisement. He came to know about the said advertisement after receiving show cause notice from this office of MahaRERA, Pune. In the reply as well as during the hearing this Respondent had assured that he will file complaint against the wrongdoer. Accordingly the Respondent has filed complaint on 10-11-2023 against the unknown person who has published the advertisement on website before the Chandannagar, Police Station, Pune. This promoter has clearly contended in the said complaint that this unknown person has published advertisement without the permission as well as approval of the promoter. In this background it can be said that this promoter has no role in publishing the impugned advertisement. Thus, it manifestly indicates that this promoter is not liable for violation of the Section-3 of the Act, 2016. It can further be seen from the record that project name "Earth1" by VTP LUXE PHASE 1, 2 & 3 are registered with MahaRERA vide Registration No. P52100048489, P52100051025, P52100052414. Consequently it is sufficiently proved that the respondents project are already registered with

MahaRERA. Therefore, the question of registering this project with MahaRERA does not arise.

7. In view of above stated facts, circumstances and relevant provisions of law it can be said that there is no prima facie case established against this promoter. Consequently this promoter cannot be held responsible for violation of the Section-3 of the Act, 2016.

8. In view of above this is not a fit case to impose penalty in the matter under Section-59 of the Act, 2016. In this background this case stands disposed off.



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