

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 38 OF 2024**

MahaRERA on its own Motion

.... **Complainant**

Versus

**Key Mansions Pvt.Ltd.
Project - VTP NatureScape Bavdhan
Unregistered Project**

.. Respondent-Agent

MahaRERA Agent Registration No.A51900001761

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

Appearance :-

Respondent : Absent

ORDER

2nd April, 2024

(Through Video Conferencing)

1. MahaRERA has issued a show cause notice, dated 09.02.2024 to the respondent- Agent calling upon him as to why penal action should not be taken against him under Section 62 of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as the 'Act, 2016) for publishing advertisement on a website <https://housiey.com/projects/vtp-naturescape> in respect of unregistered real estate project by name "VTP Naturescape Bavdhan" situated at Bavdhan, Pune, and thereby violating the provision of Section 10(a) of the Act, 2016. The said show cause notice returned unserved with postal remarks "Left". Therefore, the show cause notice was served to the respondent through his email id registered with MahaRERA.
2. In spite of service of show cause notice through email, the respondent has failed to furnish his reply to the same. Therefore, notice

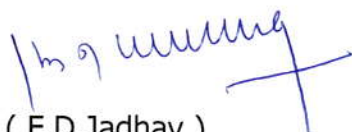
of hearing was issued to the respondent on 22.02.2024 and he was called to attend the virtual hearing on 27.02.2024. However, on the said date respondent choose to remain absent. Therefore, again notice of hearing was issued to the respondent to attend the virtual hearing on 12.03.2024 and 02.03.2024. On all these dates also respondent remained absent. Today the matter was posted for passing exparte order. Even today also the respondent remained absent. Therefore, this matter is decided exparte.

3. Perused the impugned advertisement published on a website mentioned hereinabove. The name of project is mentioned as VTP NatureScape Bavdhan and the price of Rs. 88 Lacs to 2.24 Cr. All Inc." is also mentioned. Free site visit through OLA has been provided. The description and overview of the project has been mentioned as 3 and parcel, 3 Tower, Ground + 3P+30 Floors and configuration 2 BHK, 3 BHK, 4 BHK, 780-1750 sq. ft. carpet area, target possession Dec. 2027, RERA possession Dec. 2027 etc. has been mentioned. It has also been mentioned RERA No. as NA. The location is also mentioned as Near Chandni Chowk, Bavdhan and distances from various known places has been given. The internal and external amenities also mentioned as Home Automation, Video Door Phone, Vitrified tiles, Granite Kitchen Platform, Swimming pool, club house, jogging park, multipurpose court, etc.

4. Section 10(a) of the Act, 2016 reads as under :-

"10. Functions of real estate agents - Every real estate agent registered under section 9 shall— (a) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority."

5. The MahaRERA Registration of Project Record shows that the said project "VTP NatureScape Bavdhan" is not registered with the MahaRERA Authority. The impugned advertisement also mentions RERA number is NA (Not Applicable/Available). When the respondent-agent is well aware that the said project is not registered with MahaRERA Authority, he should not have published the said advertisement. By way of the said impugned advertisement, it has been proved that the respondent-agent has facilitated the sale or purchase of the apartment in the real estate project, which is not registered with MahaRERA Authority, as mandatory under Section 3 of the Act, 2016. In view of this, it is clearly established that this respondent has contravened the provision of Section 10(a) of the Act, 2016. Therefore, the penal provision under Section 62 of the Act, 2016 has to be invoked in the present matter for imposing penalty.
6. In view of the above, penalty of Rs. 10,000/- is imposed upon the respondent-agent. The said penalty shall be payable by the respondent-agent within 10 days from the date of this order, failing which respondent-agent shall be liable to penalty of Rs.250/- per day, in addition, till the realization of entire amount.
7. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the respondent-agent for renewal, corrections, change of name etc., with respect to his license as a real estate agent.


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