

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.69 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shree Sonigara Punamiya Developers

.... Respondent-Promoter

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

Appearance :- Adv.Sanket Bora appeared for respondent.

ORDER

21st November,2023

(Through Video Conferencing)

1. MahaRERA Authority had issued show cause notice dated 20th March, 2023 to the Respondent-Promoter for publishing advertisement in facebook in respect of Real Estate Project "Vivanta Next" registered with MahaRERA under project registration number P52100050053 without including the said registration number of the Real Estate Project in the aforestated advertisement.
2. The Respondent has filed reply on 06-11-2023. The Respondent has denied that the said alleged advertisement on facebook was made by the Respondent. The Respondent further states that neither the Respondent has solicited the advertisement nor has any knowledge about the same. The Respondent further states that no details of the alleged facebook page where alleged advertisement was made or the link to the alleged advertisement were provided to the Respondent. In view of this the Respondent prayed to provide the details of the alleged advertisement page with the link which is annexed with the show cause notice provided to the Respondent.

3. The Learned Adv.Sanket Bora appeared for Respondent-Promoter. He has reiterated the contentions of Respondent-Promoter. According to him this Respondent-Promoter has not published the advertisement in question. It is further submitted by the said Counsel that there is no facebook page details or the link to the alleged advertisement and therefore according to him there is no proof to establish that this impugned advertisement has been published by the Respondent-Promoter. In this background he has prayed not to impose any penalty on the Respondent-Promoter as he has not violated Section 11(2) of the Act, 2016.
4. At this juncture it is material to refer Section-11(2) of the Act, 2016 which reads as under:

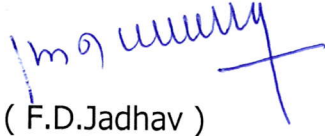
Sec-11(2):- "The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."

5. On careful perusal of the Section-11(2) of the Act, 2016 manifestly shows that it is imperative on the part of the promoter to mention prominently the MahaRERA Registration Number of the project and other all details of the registered project in the advertisement issued by him.
6. In this matter the advertisement of the project "Vivanta Next" has been published on the facebook. However, there appears no facebook page is saved and therefore it is difficult to find out as to exactly who had published the said advertisement. Likewise link of the advertisement is also not saved and therefore it cannot be traced out as to exactly who had

published the said advertisement without the MahaRERA Registration Number.

7. By virtue of missing facebook page as well as link of the impugned advertisement it is difficult to prove that this Respondent-Promoter himself has published the said advertisement. It is also difficult to find out exactly which other person had published said advertisement without MahaRERA Registration Number. Thus, there is no prima facie evidence to prove that the alleged advertisement has been published by the Respondent-Promoter. In view of this, this Respondent-Promoter cannot be held responsible for violation of Section-11(2) of the Act, 2016.

8. In view of above, it can be said that the case against Respondent-Promoter is not established. Considering this, the penalty provision of Section-61 of the Act, 2016 cannot be invoked in this matter. As such, this case stands disposed of.


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