

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 29 OF 2025

MahaRERA on its own Motion Complainant

Versus

Rohan Builders & Developers Pvt. Ltd. Respondent-Promoter

NAME OF THE PROJECT : "ROHAN SAROHA PHASE I"

MahaRERA Project Registration No.P52100076652

Appearance :-

Adv. Snehal Walunj i/b Adv. Amruta Salunke for Respondent-Promoter

ORDER

7th MAY, 2025

(Through Video Conferencing)

1. MahaRERA Authority by its Office Order No.MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16th January, 2025 has delegated powers to the undersigned to issue show cause notice in case of violation by the promoters under Section 3(1), 11(2) of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as **the RERA**), MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 25.07.2023; and to pass orders on the show cause notice after considering the reply submitted by promoters to show cause notice and after granting personal hearing to promoters; and impose penalty under Section 59, 61 and 63 of the RERA. Powers are also delegated to the undersigned to issue show cause notices and such further notices to the real estate agents for violation by real estate agents of the provision of Section 10(a) of the RERA/or Rule 14 of Maharashtra Real Estate (Regulation and Development)(Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on

website) Rules, 2017 (hereinafter referred to as **the Rules**) and MahaRERA Order No.46B/2023, dated 21.08.2023; to pass orders on the show cause notices as issued after considering the reply submitted by real estate agents to the show cause notice and/or after granting personal hearing to the real estate agents; and to impose penalty under Section 62 of the Act for violation of Section 10(a) of the Act and Rule 14 of the Rules and under Section 65 of the Act for violation of MahaRERA Order No.46B/2023, dated 21.08.2023.

2. The Advertising Standards Council of India (ASCI) has issued an **intimation letter, dated 11.11.2024** to the respondent and thereby informed that the advertisement published by the respondent on **Instagram** in respect of a real estate project under the name "**ROHAN SAROHA PHASE I**" does not contain **MahaRERA Website Address and QR Code** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016. ASCI has further directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **NOVEMBER 21, 2024**. Therefore, the present proceeding has been initiated against the respondent-promoter after perusal of the documents referred by ASCI including the impugned advertisement and in delegation of the powers to the undersigned vide the aforesaid Office Order, dated 16.01.2025.
3. On minute perusal of the impugned advertisement, it transpires that it does not contain QR Code. Accordingly, notice of hearing, dated 29.01.2025 was served to the respondent-promoter and opportunity of being heard was given to him.
4. In response to the said notice of hearing, dated 29.01.2025, respondent-promoter has filed his reply, dated 27.02.2025 wherein it has been contended that there was no intention to hide the MahaRERA website address from the Allottees or prospective buyers. It is further contended by the respondent-promoter that the omission of the MahaRERA website address from the advertisement was due to technical error during the

publication process on Instagram. The respondent-promoter has further contended that the omission was purely accidental and he has taken immediate steps to rectify the situation by doing the compliance of modification as per regulations set forth for the advertisement, but the process of the advertisement, the Instagram back-end team took longer time than usual. Lastly, it has been prayed to quash the show cause notice and no penal action be taken against the respondent.

5. Adv. Snehal Walunj appeared on behalf of respondent-promoter. She has reiterated the contentions raised out by the respondent-promoter in his reply. She has submitted that the impugned advertisement has been published due to technical error and it was an accidental omission by the respondent and prayed that no penal action be taken against the respondent-promoter.
6. The charge against the respondent is that the impugned advertisement of his subject project published on Instagram did not contain MahaRERA website address.
7. Section 11(2) of the Act, 2016 reads as under :-

"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."

8. Perusal of the impugned advertisement, shows that it does not contain MahaRERA website address, as required under the aforesaid provision. The only ground taken by the respondent for not containing MahaRERA website address in the impugned advertisement is technical error, which cannot be said to be bonafide and genuine one and therefore,

the same is not maintainable. Therefore, the charge against the respondent that the impugned advertisement does not contain MahaRERA website address has been proved.

9. Considering the aforesaid evidence and the impugned advertisement on record, the charges levelled against the respondent-promoter apparently proved and therefore, this is a fit case to impose penalty against the respondent under Section 61 for violation of provision of Section 11(2) of the RERA.
10. 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.
11. The aforesaid 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.
12. 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.
13. 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