

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 70 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

ONYX CONSTRUCTIONS

... Respondent-Promoter

NAME OF THE PROJECT – BAIT E MUHAMMED PHASE I.

Maharera Real Estate Project Registration No. P51600077618

Appearance :- Mr. Amjad Shaikh, A.R. for Respondent-Promoter

ORDER

22nd MAY, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from "Instagram", which does not contain **MahaRERA Registration Number and MahaRERA Website Address** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 24.12.2024** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **January 06, 2025**.
3. Since the respondent has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.
4. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No.

MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, show cause notice was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.

5. The respondent-promoter in response to the said show cause notice, filed his say, dated 15.02.2025 and sincerely apologized for inadvertent violation of MahaRERA advertisement guidelines. The respondent has further contended that he was not aware of the specific guidelines of MahaRERA.
6. Perused the impugned advertisement. It does not contain MahaRERA Registration Number and MahaRERA website address, as mandated under Section 11(2) of the RERA, which is reproduced hereunder.

"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."

7. Heard Mr. Amjad Shaikh, A.R. on behalf of respondent-promoter. He has reiterated the contentions raised out by the respondent in his say. Mr. Shaikh has admitted to have published the impugned advertisement, but submitted that it was published inadvertently.
8. The impugned advertisement apparently shows that it does not contain MahaRERA Registration number and MahaRERA website address as mandated under the provision of Section 11(2) of the RERA. Unawareness of legal provision cannot be an excuse for its violation. It is thus crystal clear that the impugned advertisement was not containing MahaRERA Registration Number and MahaRERA website address, and it definitely violates the provision of Section 11(2) of the RERA.
9. In view of the aforesaid facts and circumstances, this is a fit case to invoke the provision of Section 61 of the RERA for violation of provision of

Section 11(2) of the Act, and also to invoke the provision of Section 63 of the RERA for committing breach of the directions issued vide Order No. 46/2023, dated 29.05.2023.

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 aforestated 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 stands disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE