

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 122 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

**ASHOK CHUNILAL KATARIA
(YASH PROMOTERS & BUILDERS).**

... Respondent-Promoter

NAME OF THE PROJECT – YASH EVANA.

Maharera Real Estate Project Registration No. P52100047327

Appearance :- C.A. Vaibhav Modi for Respondent-Promoter and Adv. Vidhi D. Jain

ORDER

19th JUNE, 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 "website", which does not contain **MahaRERA Registration Number, MahaRERA Website Address** and **QR Code** 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 14.06.2024** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **June 26, 2024**.
2. 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.

3. 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.
4. The respondent-promoter in response to the said show cause notice, filed his say on 13.09.2024 and contended that the due to technical error related to website published where cache was not cleared in the coding of their website and hence website was not visible as such despite the website was published properly, and it was beyond their control. It has further been contended by the respondent that upon receiving the intimation letter from the ASCI on 14.06.2024, he has promptly rectified the issue and ensured that the necessary modifications were made in full compliance with the directives issued. It is further contended that he has also informed ASCI and other relevant authorities about the correction made. The respondent has further contended that there was no willful contravention of the provisions of RERA and the error was purely technical.
5. Perused the impugned advertisement minutely. It does contain MahaRERA Project Registration number and QR Code. It however, does not contain MahaRERA website address, as mandated under Section 11(2) of the RERA. Therefore, though the intimation letter dated 14.06.2024 ASCI states that the impugned advertisement does not contain MahaRERA Registration number and QR Code, the same reflects from perusal of the impugned advertisement. The impugned advertisement therefore, only violates the provision of mentioning MahaRERA website address as mandated in Section 11(2) of RERA 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.”

6. Heard C.A. Mr. Vaibhav Modi for the Respondent-Promoter. He reiterated the contentions raised out by the respondent in his say. Mr. Modi argued that it was a technical error and there was no willful intention of the promoter.
7. Though the promoter in his say submitted that he rectified the error immediately and informed the compliance to ASCI, however, no any documentary evidence to show the compliance made by the promoter within the timeline given by ASCI by intimation letter, dated 14.06.2025. Therefore, there is no any substance in the contention of the promoter for immediate rectification the error in the impugned advertisement and prompt compliance and as such it cannot be considered.
8. Considering the advertisement on record, evidence produced in the case, voluntary admission in the reply of promoter and the aforesaid legal provision, this Authority is of the opinion that the impugned advertisement published without containing MahaRERA website address means there is clear violation of the provision of Section 11(2) of the RERA, on the part of the respondent-promoter. Therefore, I have no hesitation to invoke the penal provision under Section 61 of RERA in the present case.
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 is disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE