

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 66 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

1. Namo Realty

.... Respondent/Promoter

MahaRERA Project Registration No.P52100028872

2. Mr.Rahul Gaikwad

.... Respondent/Agent

MahaRERA Agent Registration No.A52100000661

Name of Project :- Namo Imperial

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

Appearance :-

Respondent-Promoter :- Absent.

Respondent-Agent :- Mr. Rahul Gaikwad.

ORDER

28th June, 2024

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter dated 29.04.2024 to the respondents for publishing advertisement on Facebook of a real estate project "Namo Imperial" at Pune thereby informing the respondents that said advertisement is considered to be prima facie in violation of MahaRERA Act since it does not contain the Agent Registration number as mandated in the MahaRERA Act. The ASCI has further asked the respondent-agent to ensure that the said advertisement complies with the MahaRERA Regulation and confirm back if the said

advertisement has been modified or withdrawn no later than May 09, 2024.

2. The ASCI by email dated 16.05.2024 has informed the MahaRERA, Pune Office and reported that there is violation of RERA Act and regulations on the part of respondents by publishing the said advertisement. Therefore, notice of hearing has been sent to the respondents on 20.05.2024 for attending the virtual hearing dated 04.06.2024.
3. In response to the notice of hearing, both the respondent-promoter and respondent-agent did not appear since inception and therefore, the present matter was posted today for passing exparte order. However, today the respondent-agent appeared personally in the matter and furnished reply, dated 28.08.2024. The respondent-agent has voluntarily admitted the charge leveled against him.
4. Perused the impugned advertisement. There was MahaRERA website address, MahaRERA Registration Number and QR Code present in the advertisement. Since there was no Agent Registration has been mentioned in the impugned advertisement, the charge for violation of Section 9 of the Act, 2016 was leveled against the respondent-agent in the Notice of hearing. However, after appearance of respondent-agent personally before this Authority, he informed that he is registered as a real estate agent with MahaRERA Authority and his Registration No. is A52100000661. After verifying the same with the online record of MahaRERA Authority, it is confirmed that the respondent-agent is a real estate agent registered with MahaRERA under the aforesaid Registration Number. Therefore, the charge against the respondent leveled for violation of Section 9 of the Real Estate (Regulation And Development) Act,


2016 (hereinafter referred to as the "Act of 2016) does not attract against the respondent-agent. However, as the impugned advertisement does not contain the Agent Registration Number of the respondent-agent, Rule 14(2) of the 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, 2017) attracts in the present case. Rule 14 of the Rules, 2017 deals with obligations of registered real estate agents. Rule 14(2) of the Rules 2017 is material for this matter, which is reproduced hereunder :-

"14. (2) Every registered real estate agent shall quote his number of their registration all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

5. As the respondent-agent has voluntarily admitted that the impugned advertisement does not contain his Registration Number as a real estate agent, it is abundantly clear that Rule 14(2) of the Rules, 2017 is proved against him. As such, provision of Section 65 of the Act, 2016 is invoked to impose penalty against the respondent-agent.
6. Admittedly, the impugned advertisement is published on Facebook by respondent-agent. Respondent-promoter has neither authorized nor consented to the respondent/channel partner to publish the impugned advertisement. Moreover, respondent-agent has, unhesitatingly, admitted that impugned advertisement has been published by him only. In view of the voluntary admission of the

respondent-agent in the present matter, it can be safely inferred that there is no any violation of any of the provisions under the Act, 2016 and/or the Rules, 2017 on the part of the respondent-promoter. Therefore, respondent-promoter is not liable for any of the violations charged in the matter.

7. Considering the facts in the present case and the evidence on record, penalty of Rs. 10,000/- is imposed under Section 65 of the Act, 2016 on the respondent-agent for violation of Rule 14(2) of the aforestated Rules, 2017.
8. The said penalty shall be payable by the promoter within 15 days from the date of this order, failing which promoter shall be liable to penalty of Rs.1,000/- per day in addition, till the realization of entire amount.
9. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by respondent-agent for extension, corrections, change of name etc., with respect to his registration as a real estate agent.


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