

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 131 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

ANP Landmarks LLP

ANP Autograph

.... Respondent

MahaRERA Project Registration No.P52100051641

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

Appearance :-Adv. Shilpa Pratap for respondent.

ORDER

1st December, 2023

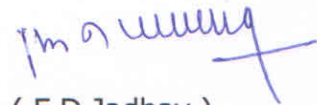
(Through Video Conferencing)

1. MahaRERA has issued a show cause notice, dated 07.09.2023 to the respondent-promoter calling upon him to show cause for publishing advertisement of his project "ANP Autograph" on website <https://anpautographwakad.co.in/> wherein the respondent-promoter has not included project registration number as well as Quick Response (QR) Code, thereby violating the provisions of Section 11(2) of the Maharashtra Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the "Act, 2016) and the MahaRERA Order No.46/2023, dated 29.05.2023 read with Order N.46A/2023, dated 25.07.2023.
2. The respondent-promoter appeared and filed his say and contended that unknown channel partner has published the impugned advertisement and the promoter has not appointed said channel partner. The respondent-promoter has further contended that the impugned advertisement is included the project registration number of the project of

the respondent-promoter. The website mentioned in the advertisement is not the official website of the respondent-promoter.

3. Adv. Shilpa Prātap appeared on behalf of respondent-promoter. She has reiterated the contentions raised by the promoter in his reply. She has submitted that the promoter has not published the impugned advertisement and it is published by an unknown-channel partner without consent/approval of the promoter and the respondent-promoter has never appointed the said channel partner. With these submissions, learned Advocate submitted that the promoter cannot be held responsible for violation of Section 11(2) of the Act, 2016 as well as MahaRERA Order No.46/2023 and 46A/2023. She has further submitted that a complaint is lodged with the police against the person who has published the impugned advertisement.
4. Perused the impugned advertisement. It bears the MahaRERA Project Registration No. P52100051641. Therefore, there cannot be said to be violation of Section 11(2) of the Act, 2016 on the part of the respondent-promoter in publishing the impugned advertisement.
5. So far as the violation of MahaRERA Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023, the promoter has contended that the said advertisement is not published by the promoter and it is published by an unknown channel partner without his consent. Therefore, promoter has filed complaint against unknown person who had published the impugned advertisement. The promoter has furnished a copy of the complaint lodged with the Balewadi Police Station. Perusal of the said complaint, it appears that the advertisement has been published by the channel partner "Trespect", without prior permission of the respondent-promoter and without approving the draft of the advertisement. As such this promoter cannot be held liable for the breach of Section 11(2) as well as Order No.46/2023 and 46A/2023.

6. Taking into consideration the facts of the present case, supported with the documents produced on record, it can be said that there is no violation of Section 11(2) of the Act, 2016 read with Order No.46/2023 and 46A/2023 issued by MahaRERA. Therefore, this is not a fit case to invoke the provisions of Section 61 of the Act, 2016 as well as Section 63 of the Act, 2016 read with Order 46 and 46A/2023.
7. The matter therefore, stands disposed off without imposing any penalty upon the respondent-promoter.



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