

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO.71 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Shreeram Nirmitee Group

7 Hills Plot C

7 Hills Plot E

.... Respondent

MahaRERA Project Registration No.P52100050121 & P5210050119

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

Appearance :- C.A. Mr. Sumit Kapure

ORDER

5th December, 2023

(Through Video Conferencing)

1. MahaRERA has issued show cause notice, dated 11.04.2023 to the Respondent-promoter and called upon to show cause for publishing advertisement of real estate projects "7 Hills Plot C & Plot E", without mentioning its Registration numbers and thereby violating the provisions of Section 11(2) of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016").
2. The Respondent filed its reply dated 25.11.2023 and contended that inadvertently the RERA registration number was not mentioned in the impugned advertisement. It is further contended that the said action on the part of promoter was unintentional and there was no motive to defraud anyone or to commit any fraud. Since it was a genuine mistake, respondent prayed to pardon the same.
3. C.A. Mr. Sumit Kapure appeared on behalf of respondent-promoter and he has also reiterated the contentions raised out by the respondent-promoter in its reply. C.A. Mr. Kapure admits to have published the said

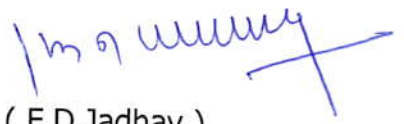
advertisement without mentioning RERA registration number and prayed for leniency.

4. At this juncture it is necessary to go through Section 11(2) of the Act, 2016 which reads as under:

Sec-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."

5. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project prominently in the advertisement issued by him. Perused the advertisement. It does not contain RERA Registration number of the said real estate project.
6. The real estate project of which advertisement is published in the instant case, is the ongoing project. The charges leveled in show cause notice dated 11.04.2023 in respect of violation of provision of Section 11(2) of the Act, 2016 have been admitted by the respondent-promoter. Therefore, it can be safely inferred that by publishing the said advertisement in question without mentioning MahaRERA registration number, the promoter has breached Section 11(2) of the Act, 2016 and this is a fit and suitable case to impose penalty upon the promoter.
7. Section 61 of the Act, 2016 deals with penalty for contravention of other provisions of this Act. The said provision, inter alia, states that.....
..... promoter shall be liable to a penalty which may extend upto five percent of the estimated cost of the real estate project as determined by the Authority.
8. In view of the above, the penalty of Rs.20,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for violation of Section 11(2) of the Act, 2016.

9. The said penalty shall be payable by the promoter within 30 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.
10. 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.


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