

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.40 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Daksh Construction

1. Daksh Hill Syde Respondent

MahaRERA Project Registration No.P51600027729

2. Daksh Olive

MahaRERA Project Registration No.P51600034522

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

Appearance :- C.A. Anil Khetmal Dahiya

ORDER

11th July, 2023

(Through Video Conferencing)

1. Maharashtra Real Estate Regulatory Authority has delegated certain powers on me on dated 26.04.2023 under Section-81 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016"). The said powers, inter alia, contains imposing of penalty under Section 59 of the Act, 2016 for contravention of the provision of Section 3 by the promoter and to impose penalty under Section 61 of the Act for contravention of Section 11(2) of the Act etc. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. C.A. Anil Khetmal Dahiya appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in the daily newspaper 'Lokmat', dated 13.05.2023 without mentioning the MahaRERA Registration number, in regards to the project "Daksh Hill Syde" and "Daksh Olive" has been published. On going through the record of MahaRERA Authority, it has been noticed that the project "Daksh Hill Syde" is registered with MahaRERA vide Registration No. P51600027729 whereas the project "Daksh Olive" is registered vide

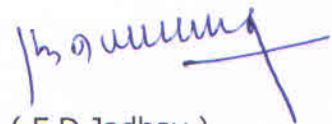
Registration No. P521600034522 and location of both these projects is shown as Mumbai-Agra Road, Pathardi Phata, Nashik and Wasan Nagar, Pathardi Phata Road, Nashik respectively. Therefore, by show-cause notice, dated 30.05.2023, the Respondent-Promoter was called to show cause as to why penal action under Section 61 of the said Act should not be initiated against him. The promoter filed his reply on 07.06.2023. The notice of hearing, dated 04.07.2023 was issued to the promoter and promoter was asked to attend virtual hearing before this Authority on 11.07.2023.

3. The promoter by his reply, dated 07.06.2023, has admitted that he has published advertisement in the Lokmat newspaper regarding this projects. However, he has contended that the RERA Registration No. was mentioned in the said advertisement at the left side of the picture of the buildings of both the said projects. In support of his contention, the promoter has filed copy of the advertisement.
4. Perused the reply filed by the promoter along with copy of the advertisement published in daily newspaper 'Lokmat', dated 13.05.2023. It reveals from the impugned advertisement that the RERA Registration Nos. of both the projects are mentioned vertically on the picture of buildings of both the said projects and that too, in the small size font and therefore, it cannot be read easily. The promoter has highlighted the RERA Registration No. mentioned in the advertisement by yellow colour and therefore, it could read by this Authority.
5. Heard C.A. Mr. Dahiya for promoter. He reiterated the contentions raised out in the reply filed by promoter. He argued that the RERA Registration Nos. of both the projects are mentioned in the advertisement and therefore, there cannot be said to be violation on the part of promoter of Section 11(2) of the Act of 2016.
6. 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."

7. 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 in the advertisement issued by him. The purpose of mentioning RERA Registration No. in the advertisement is that the public-at-large can go through it and view at a glance all the required particulars in respect of the project.
8. As stated above, the RERA Registration Nos. of both the projects of the Promoter have been mentioned vertically on the picture of buildings and it is in small size font. Though the RERA registration number has been mentioned vertically, it can be said there was mentioning of RERA registration number in the advertisement. Promoter has not concealed or tried to hide the registration number from the public at large. As such, I am of the opinion that there is no any violation of Section 11(2) of the Act of 2016 on the part of the promoter.
9. However, the promoter is given clear understanding to take care in future that the RERA Registration No. of their real estate project should be mentioned horizontally and in a big size font to enable the public at large to know the details of the real estate projects mentioned in the advertisement and thereby the purpose of Section 11(2) of the Act of 2016 would serve effectively.
10. Considering the aforesaid facts and circumstance, this is not a fit case to impose any penalty under Section 61 of the Act of 2016. The case is disposed off accordingly.



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