

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.41 OF 2023**

MahaRERA on its own Motion	Complainant
Versus		
Astrum Developers		
'Kalpataru Jade Skyline'	Respondent
MahaRERA Project Registration No. P52100033791		

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

Appearance :- Adv. Aniket Deshmukh

ORDER

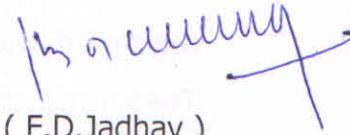
8th August, 2023

(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. In exercise of the said powers delegated to me under Section 81 of the Act, 2016, notices were served to the Respondent-Promoter. Adv. Aniket Deshmukh appeared on behalf of promoter.
2. It has been noticed by the MahaRERA Authority that an advertisement in newspaper 'Times of India' without mentioning the MahaRERA Registration number, in regards to the project "Kalpataru Jade Skyline" has been published. On going through the record of MahaRERA Authority, it has been noticed that the project "Kalpataru Jade Skyline" is registered with MahaRERA vide Project Registration No. P52100033791. Therefore, show-cause notice, dated 30.05.2023 was issued to the promoter by speed post calling upon him 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 and 20.07.2023. 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 14.07.2023.

3. The promoter by his reply, dated 07.06.2023 and 20.07.2023, has submitted that the advertisement published by him in the 'Times of India' newspaper on 19th May, 2023 was a jacket advertisement, which consists of 2 full pages. It has been further submitted that the said advertisement categorically mentions the website address as well as MahaRERA registration number of the project. As there was MahaRERA Registration number as well as website address mentioned in the advertisement, therefore, according to promoter, there is no violation in respect of the publication of the said advertisement and as such the promoter has not violated Section 11(2) of the RERA Act, 2016. Consequently, no penal action can be imposed upon the promoter by the Authority under Section 61 of the Act of 2016 as there is no contravention of the provision of Section 11(2) of the Act 2016.
4. A copy of the Times of India newspaper wherein full page advertisement was published by the promoter on May 19, 2023 is placed on record. Perusal of the said advertisement clearly indicates that the said advertisement consists of 2 full pages with all the relevant material as mandated in Section 11(2) of the Act 2016. The MahaRERA registration number as well as MahaRERA website address has been published at the backside of the jacket advertisement.
5. Considering this, there appears no violation of Section 11(2) of the Act 2016. Therefore, penalty cannot be imposed under Section 61 of the Act 2016 on the promoter as there is no violation of Section 11(2) of the Act 2016.


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