

**SUO MOTU ADVERTISEMENT
CASE NO. 140 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 140 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Aristocrat Group of Companies

.... Respondent/ Promoter

MahaRERA Project Registration No. – Unregistered with MahaRERA

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent/ Promoter.

ORDER

28th November 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 04/10/2023 to the Promoter above named for issuing an advertisement on Instagram platform sponsored by Luxury Properties Hub in respect of their real estate project "Divine Residency," situated at Powai, without registering the project with MahaRERA.
2. The Promoter, inspite of receiving the show cause notice dated 04/10/2023, failed to show cause to the same within the stipulated time period mentioned in the show cause notice.
3. In this regard, a hearing was scheduled on 28/11/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter can appear through its representative and make its submissions.
4. During the course of the proceedings, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon it.
5. In this regard, it is necessary to peruse the provisions of Section 3 of the RERA

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which reads as under:

"3. No Promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."

6. An interpretation of Section 3 reveals that the Promoter is legally obligated to refrain from engaging in activities such as advertising, marketing, booking, selling, or inviting individuals to purchase any plot, apartment, or building unless the real estate project in question has been duly registered with MahaRERA.
7. However, in the present case, it has been established that the Promoter had published an advertisement on Instagram platform sponsored by Luxury Properties Hub without fulfilling the requisite registration process with MahaRERA Authority for the advertised project.
8. Furthermore, since the said real estate project "Divine Residency" is not registered with the MahaRERA Authority as per the mandates of Section 3 of the Real Estate (Regulation and Development) Act, 2016, the matter can be taken up as a source complaint.
9. Therefore, the matter should be transferred to Legal Consultant, Mrs. Nalini Sathe for further necessary action.
10. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA