

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

SUO MOTO COMPLAINT NO 15/2018

Secretary, MahaRERA Versus Tridhaatu Morya, Chembur

MahaRERA Reg. No: P51800013775 Avighna

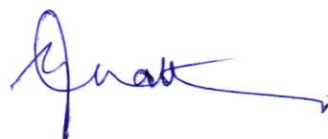
Unregistered Project name : Ekadanta, Sumukha

Coram: Shri Gautam Chatterjee, Hon'ble Chairperson

Order

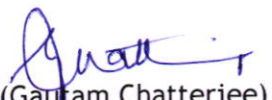
06th March 2018

1. Section 3(1) of the Real Estate (Regulation and Development) Act, 2016 states that "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:
2. With a view to having uniformity, MahaRERA had through scrolls on its website <https://maharera.mahaonline.gov.in> and also by sending emails, informed all the promoters of registered project, the manner MahaRERA Regn No. and MahaRERA website address should be displayed in various advertisements or brochures made by registered promoters.
3. In spite of the same, it has come to the notice of MahaRERA that the aforementioned promoter has published an advertisement in the newspaper The Times of India, Mumbai Saturday, 20th January 2018. The mentioned advertisement has prima facie violated section 3(1) by advertising a non-registered project, along with the registered project P51800013775.
4. Taking suo moto cognizance of the matter, the promoter was called upon on 6th March 2018, by a notice, to explain why they should not be penalized for the alleged violation of the provisions of the Act.
5. On the date of the hearing, the promoter appeared and was represented by their advocate. They accepted that the alleged violations of the provisions of the Act are totally inadvertent and they did not have any intention to show non-compliance towards the provisions of the Act or rules or regulations made there under. They offered unconditional apology and requested of not imposing any penalty for the alleged violation. They have further provided an undertaking that no such violation of the Act would happen in the future and the promoter will strictly comply with the provisions of the Act, rules, regulations and orders/circulars issued there under.



6. Section 59(1) of the Act states: If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority.

7. MahaRERA accepts the contention of the promoter that the aforesaid violations of the provisions of the Act have happened unintentionally. Therefore, only a token penalty, under the provisions of section 59(1) of the Act, is imposed and the Promoter is hereby directed to pay a penalty of Rs 10,00,000/- (Rupees ten lakh only) and further warned to ensure that such violation is not repeated in future.


(Gauham Chatterjee)
Chairperson, MahaRERA