

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

Maharashtra Real Estate Regulatory Authority ... Complainant

Versus

M/s. Mystica India
MahaRERA regn. no. A51900006152 ... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

ORDER
(August 27, 2019)

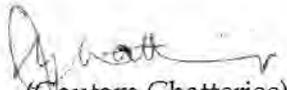
1. This is a Suo-motu matter taken up by MahaRERA, when it has come to the notice of the Authority that Respondent having MahaRERA agent registration no. A51900006152, has facilitated the sale of apartments in one unregistered real estate project by "Godrej Properties Ltd." situated at Kalyan (hereinafter referred to as the *said real estate project*), by circulating numerous short message service (SMS) dated August 09, 2019.
2. These promotions entail a billboard advertisement that has a disclaimer (hereinafter referred to as the *said disclaimer*), "The aforementioned information is not an advertisement or offer for the sale of any real estate project within the meaning of RERA. The Developer shall launch and sell the flats/units only after obtaining permanent registration number from RERA..."
3. The material placed before MahaRERA, prima facie shows that the Respondent has facilitated sale of apartments in the said real estate project without having MahaRERA project registration, thereby violating section 10 (1) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*).



4. In view of the above, MahaRERA has decided to take Suo-motu cognizance in exercise of its powers conferred upon it by section 35 of the said Act, and a notice to the Respondent was issued to appear before the Authority and explain his stand in the matter.
5. In pursuance of the notice issued by the Authority, the Respondent appeared before the Authority on August 21, 2019 and August 26, 2019 subsequently. Hon'ble Chairperson of the Authority has explained the contravention alleged to have been committed by the Respondent.
6. The Respondent has been given full opportunity to defend by following the principles of natural justice.
7. The authorised representative of the Respondent has admitted to certain facts which are put on record. He submitted to inadvertently having shared the details of the said real estate project by circulating SMS to prospective customers on August 09, 2019, prior to its MahaRERA registration. He further tendered an unconditional apology respectively, and assured that he will not solicit, misguide or engage in such facilitation of advertisements or sale, going forward.
8. The Hon'ble Chairperson has heard the Respondent. He accepted that the alleged violations of the provisions of the Act are totally inadvertent and he did not have any intention to show non - compliance towards the provisions of the Act or Rules or Regulations made there under. He has provided an undertaking dated August 23, 2019, that such a violation of the Act would not happen in the future and he will strictly comply with the provisions of the Act, Rules, Regulations and Orders / Circulars issued there under. He has also confirmed that he has offered unconditional apology to all such consumers to whom the earlier SMS had been sent.
9. It is in these circumstances after giving full hearing, the Authority, therefore, holds that the Respondent has violated provisions of 10 (1) of the Real Estate (Regulation and Development) Act, 2016. Therefore, in exercise of the powers conferred by Section 62 of the Act, Respondent is directed to pay a penalty of Rs. 40,000/- (Rupees forty thousand only) for four days of violation, starting from August 21, 2019, and further warned to ensure that such violation is not repeated in future.



10. The suo- motu matter accordingly stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA