

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

SOURCE COMPLAINT NO. SC10001807

Aditya Bothra ... Complainant

Versus

Godrej Properties Limited ... Respondent

**Coram:** Shri. Gautam Chatterjee, Hon'ble Chairperson

Complainant was himself present.

Respondent was represented by Mr. Himanshu Joshi, Authorised representative.

**Order**

August 27, 2019

1. This complaint has been filed by the Complainant who has brought to the notice of the Authority that the Respondent has been advertising/ offering for sale/inviting persons to purchase, as a pre-launch promotion, apartments in projects which are not registered with MahaRERA.
2. The representatives of the Respondent appeared in person, during the hearing and accepted that they have put up 30 billboards at multiple locations spread across Mumbai and Pune of their various upcoming real estate projects. However, they added that these billboards may not be treated as advertisements, in violation of Section 3 of the Act since, in the said billboards they have put 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 been advertising/ offering for sale/inviting persons to purchase, as a pre-launch promotion, apartments in projects which are not registered with MahaRERA, the



disclaimer in the said billboards, notwithstanding. The very fact that a potential customer (the present Complainant) after seeing a billboard mentioning the pre-launch of a real estate project has followed up with subsequent phone calls to further enquire about the upcoming project and thereafter has been allegedly told to deposit certain amounts for blocking his booking, it is clear that such stipulated billboard announcements not only can mislead the consumers at large but also has the potential of creating a situation of a lack of level playing field among various promoters who are advertising their projects only after the said projects have been registered with MahaRERA. Therefore, though not intentional, there is prima facie violation of section 3 (1) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*).

4. Simultaneously, an application for registration of a Mumbai based real estate project 'Godrej Nirvaan' bearing application no. REA51700059822 has been filed by the Respondent before the Authority.
5. The authorised representative of the Respondent have admitted certain facts which are put on record. Therefore, these facts are taken to be the admitted facts. They are as under:
  - a) The Authorised representative of the Respondent has admitted to the billboards advertisements with the said disclaimer for upcoming real estate projects. He further submitted the list of 30 billboard announcements (annexed thereof as 'Annexure 1'). Moreover, he accepted to the inadvertent error of making pre-launch announcements without obtaining the MahaRERA registration, and for the same has taken remedial steps by pulling down all the said billboards. Further, the Respondent has tendered an unconditional apology and assured that they will not solicit, misguide or engage in such pre-launch announcements, going forward.
6. It is accepted that the alleged violations of the provisions of the Act are totally inadvertent and the Respondent did not have any intention to show non-compliance towards the provisions of the Act or Rules or Regulations made there under. They have provided an undertaking dated that such a violation of the Act would not happen




in the future and the Promoter will strictly comply with the provisions of the Act, Rules, Regulations and Orders / Circulars issued there under.

7. On the last date of hearing, the Complainant for Source Complaint bearing no. SC10001807 has withdrawn his complaint vide application dated August 25, 2019. However, the Authority cannot be oblivious to the surrounding circumstances and absolve the Respondent of their non-compliant behaviour.

8. It is in these circumstances after giving full hearing, the Authority, therefore, holds that the Respondent has prima facie violated provisions of Section 3 (1) of the Real Estate (Regulation and Development) Act, 2016. However, keeping in view the unintentional manner in which the violation has occurred, the remedial action already taken by the Respondent and the unconditional apology offered by the Respondent, the Authority proceeds to pass the following: -

(a) In exercise of the powers conferred by Section 59 of the Act, Respondent is directed to pay a token penalty of Rs. 30,00,000/- (Rupees thirty lakhs only), [Rs. 1,00,000/- per billboard announcement as stipulated in 'Annexure 1']; and further warned to ensure that such violation is not repeated in future.

9. The Application for registration of the project filed by Respondent shall be approved subject to realisation of payments as stipulated above.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA

# ANNEXURE 1

## Annexure -

### List of billboards in Mumbai

Sr. No.	Location of the Billboard	Size of the billboard
1	Airli Thane Belapur road facing Thane	50 x 10
2	Kalamboli before Mc Donald	40 x 42
3	Dombivli (E) Tai Pingale Chowk, near Sarvesh Hall	201x10
4	Kalyan Bhiwandi Bypass Quick Bite Hotel Tata Amantra	40 X 42
5	Kalyan Bhiwandi Road Ranjnoli Junction facing towards Thane to Kalyan/Bhiwandi	50x50
6	Kalyan Subhash Chowk ROB Ulhasnagar to Kalyan	20x20
7	Kalyan Bhiwandi Road Ranjnoli Junction facing towards Bhiwandi & Nasik to Kalyan	80x40
8	Kalyan Bhiwandi Road Kongoan Toll Naka	40x40
9	Kalyan Shilphata Road Near Shalu Dhaba	40x40
10	Kalyan Railway station Billboard	20 X 10
11	Kalyan Shilphata Road Shilphata	81x40
12	Kalyan Patripool facing Bhiwandi to Dombivli	40x40

### List of Billboards in Pune

Sr. No.	Location of the Billboard	Size of the billboard
1	Baner Road opposite Balewadi Stadium	20x20
2	Hinjewadi to Marunji Road opposite Park Cannel Project	20x20
3	Baner near Vilas Javdekar project	35x30
4	Baner near Pan card club towards hotel Sadanand	40x20
5	Hinjewadi main road at Vilas Javdekar facing Megapolis	40x40
6	Hinjewadi main road at Vilas Javdekar facing Yash One	40x40
7	Hinjewadi phase 1 near Shapoorji Palanji Project facing Megapolis	40x42
8	Hinjewadi phase 1 near Shapoorji Palanji Project facing TCG project	40x42
9	Hinjewadi phase 2 near hotel Aroma	40x42
10	Expressway exit towards Mumbai	60x52
11	Ring Road Phase 2 near Wipro Chowk	40x40
12	Baner near hotel Sadanand	40x20
13	Expressway facing Pune	100x30
14	Hinjewadi Bridge	40x42
15	Hinjewadi near Taj hotel	60x52
16	Baner near Wadeshawar facing Pune University	40x20
17	Holiday Inn Hotel facing Pune on Mumbai Bangalore Highway	80x30
18	Wakad Bridge, Gantry	200x8



*[Handwritten signature]*