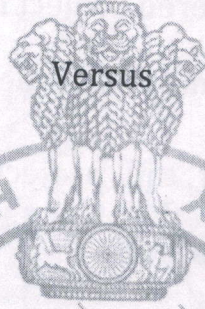


**BEFORE THE HARYANA REAL ESTATE REGULATORY  
AUTHORITY, GURUGRAM**

Complaint no. : 3887 of 2020  
Date of first hearing : 13.01.2021  
Date of decision : 26.02.2021

HARERA, Gurugram  
R/o New PWD Rest House, Civil Lines,  
Gurugram

**Complainant**



M/s Supertech Ltd  
E-Square, Plot no. C2,  
Sector-96, Noida

**Respondent**

**CORAM:**  
Shri KK Khandelwal  
Shri Samir Kumar

**Chairman  
Member**

**APPEARANCE:**  
Sh. Shivam Kapoor

AGM (Legal) for the  
respondent

**HARERA**  
**ORDER**  
**GURUGRAM**

1. The present matter relates to the violation of section 3(1) and 11(2) of the Real Estate (Regulation and Development) Act, 2016 wherein it is inter alia prescribed that no promoter shall advertise, market, book, sell or offer for sell 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 the Act and the advertisement issued by the promoter shall mention prominently the website address of the authority wherein all details of the registered project have been entered and include the registration number obtained from the authority.

2. The particulars of the project have been detailed in the following tabular form:

S.No.	Heads	Information
1.	Project name and location	"Hues and Azalia", Sector-68, Gurugram
2.	Area of project	32.83 acres
3.	Nature of the project	Group Housing
4.	Registered/ not registered	Registered
5.	RC no.	182 of 2017 dated 04.09.2017

3. The promoter has given advertisement in the newspaper Hindustan Times dated 07.09.2020, 12.09.2020 & 19.09.2020 for selling of apartments in the project named "Jade Tower"



Sector-68, Gurugram wherein the promoter didn't mention the website address of the authority and the registration number i.e., 279/2017/873 mentioned by the promoter in the advertisement is not granted by the authority.

4. The aforementioned act of publishing the advertisement without mentioning the website address of the authority and false RERA registration number is clear violation of section 11(2) of the Real Estate (Regulation and Development) Act, 2016 which provides as under: -

*"The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."*

5. Further the record of the authority was examined wherein it was observed that the authority didn't grant the registration number mentioned in the advertisement to any project and the project being advertised in the name "Jade Tower" is neither registered by the authority nor any application for registration had been received in the authority.



6. As per section 3(1) of the Real Estate (Regulation and Development) Act, 2016, prior registration of real estate project with the Real Estate Regulatory Authority is mandated. This advertising of 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 is in violation of section 3 (1) of the Act ibid which provides as under: -

*"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."*

7. Accordingly, a show cause notice no. RERA-GRG-3887-2020 dated 29.12.2020 to M/s Supertech Ltd was issued for above violations of the Real Estate (Regulation and Development) Act, 2016.
8. The promoter had submitted his reply on 13.01.2021 against the show cause notice stating that the Jade Tower is not a project, but it is a scheme launched w.r.t. the ongoing project Hues which is already registered with the authority vide RC no.



182 of 2017 dated 04.09.2017. The promoter has mentioned the memo number of the registration certificate and the registration number & website address of the authority was not mentioned inadvertently.

9. The LR appointed by the promoter appeared before the authority and submitted that the reply submitted by the promoter needs to be considered. Keeping in view the reply submitted by the promoter, it is clear that the promoter has advertised the project without mentioning the RERA registration number and website address of the authority whereas the project is already registered with the authority.
10. On consideration of the circumstances, the evidence, other records and submissions made by the promoter during the course of hearings, the authority is satisfied that the promoter has violated the section 11(2) of the Real Estate (Regulation and Development) Act, 2016. This omission of the promoter is punishable under section 61 of the Act *ibid*. Section 61 of the Act is reproduced below: -

*“ If any promoter contravenes any other provision of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable*

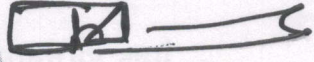


*to a penalty which may extend upto five per cent of the estimated cost of the real estate project as determined by the Authority”*

11. Therefore, the authority in the light of the above-mentioned reasons decided to impose a token penalty of Rs. Five Lakh (5,00,000/-) on the promoter under section 61 for violating the provisions of section 11(2) of the Real Estate (Regulation and Development) Act, 2016 which shall be deposited with the authority within one month and shall be credited in the government account within a prescribed period as per the Rules. Further the promoter is directed to comply with all the provisions of the Real Estate (Regulation and Development) Act, 2016.
12. The matter stands disposed off.

  
(Samir Kumar)  
Member

**HARERA**  
**GURUGRAM**

  
(Dr. KK Khandelwal)  
Chairman

Haryana Real Estate Regulatory Authority, Gurugram  
Dated: 26.02.2021