

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

Complaint no. : 1521 of 2021
Date of first hearing : 19.04.2021
Date of decision : 04.10.2021

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

Complainant

Versus

M3M India Pvt Ltd
6th Floor, M3M Tee Point,
Sector-65, Gurugram Manesar Urban Complex,
Gurugram 122102

Respondent

CORAM:

Shri KK Khandelwal
Shri Samir Kumar
Shri Vijay Kumar Goyal

Chairman
Member
Member

APPEARANCE:

Ms. Shriya Takkar

Advocate for the respondent

ORDER

1. The present matter relates to the violation of section 3(1) 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.

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

S.No.	Heads	Information
1.	Project name and location	"M3M Skywalk", Sector 74, Gurugram
2.	Area of project	Over 7.48 acres
3.	Nature of the project	Mixed-Used Development
4.	No. of units in the project	360 residential units
5.	Registered/ not registered	Not registered

3. It has come to the notice of the authority that an advertisement has been published on different online portals i.e., <https://www.m3mskywalk.co.in>, <https://www.m3mproperty.in>, www.99acres.com and <https://housing.com>, downloaded on 12.03.2021 and 13.03.2021 for selling residential apartments in the mixed-used development spread project named "M3M Skywalk"



situated in Sector-74, Gurugram. However, it was also observed that RERA registration number/website address, which is a mandatory condition precedent to market, advertise or to sell any real estate project were not mentioned on any of the advertisements, either it be the advertisements on social media or online portals.

4. The advertisements describes the project in the following words **"Looking for apartment in Sector 74, Gurgaon? M3M India Skywalk is a project by M3M India PVT. Ltd. The Project is offering 2 BHK, 3BHK units. M3M Skywalk is an under-construction project. There are 360 units. As per the area plan, units are in the size range of 1406.0-2032.0 Sq. ft."** The average price for sale as quoted by the promoter is **Rs.7400/Sq. ft.**
5. As mentioned in the advertisements, **"M3M India Skywalk offers a host of facilities for residents. This includes lift, gymnasium, power backup. For families with kids, there is children's play area, nearby apart from swimming pool, sports area. All residents have access to internet / Wi-Fi, provisions in the project. It is a gated community"**



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. However, the promoter has not applied for registration of their real estate project with the Haryana Real Estate Regulatory Authority, Gurugram upto 13.03.2021. This advertising, marketing, booking, selling or offering for sell or inviting 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 is 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-1521-2021 dated 12.03.2021 to M/s M3M India Pvt Ltd was issued for



above violations of the Real Estate (Regulation and Development) Act, 2016.

8. The promoter had submitted a reply in the authority on 02.08.2021 stating that the promoter is not advertising, marketing the project and alleged advertisements mentioned in show cause notice spelling out the project details, pricing of the units are acts of third parties/brokers etc. Further the promoter has submitted that after taking all necessary/statutory permissions, licenses and requisite approvals, the company had duly applied for registration of the project "M3M Skywalk" vide application dated 28.04.2021.
9. The LR appointed by the promoter appeared on the behalf of the promoter before the authority and submitted that the reply submitted by the promoter needs to be considered. The counsel on behalf of respondents was categorically asked whether they are advertising the project or not and they replied that the company is not advertising the project, but it is an act of third parties. The authority on this point is of the considered view that it cannot be denied that the project is being advertised with the connivance of the promoter. The authority sought the various advertisements both online and



offline issued by the promoter for which they are directly or indirectly responsible and which was not disputed by the promoter. The data pertaining to the project can only be collected at the end of promoter. Further the promoter had applied for registration of project also on 28.04.2021.

10. On consideration of the circumstances, the evidence and other record and submissions made by the promoter during the course of hearings, the authority is satisfied that the promoter has violated the provisions of section 3(1) of the Real Estate (Regulation and Development) Act, 2016. This omission of the promoter is punishable under section 59 (1) of the Act *ibid*. Section 59(1) of the Act is reproduced below: -

"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."


11. Therefore, the authority in the light of the above-mentioned reasons taking a lenient view decided to impose a token penalty of Rs. Twenty-Five Lakh (25,00,000/-) on M/s M3M India Pvt Ltd. which shall be deposited with the authority


within one month and shall be credited in the government account within a prescribed period as per rules.

12. Further the promoter has been given a warning w.r.t. advertising, marketing, booking, selling or offering for sale any apartment in any project before getting the project registered with the Haryana Real Estate Regulatory Authority, Gurugram.

13. The matter stands disposed off.


(Samir Kumar)
Member


(Vijay Kumar Goyal)
Member


(Dr. KK Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
Dated: 04.10.2021

HARERA
GURUGRAM

Commissioner of Land Revenue

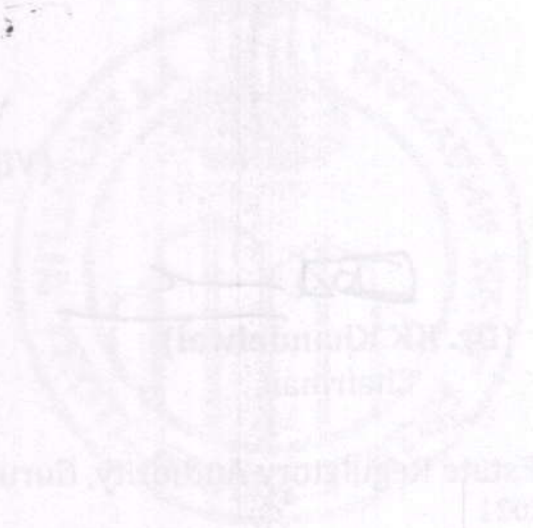
within one month and shall be credited to the Government
account within a prescribed period as per rules.

12. Further the promoter has been given a warning that
advertising, marketing, booking selling or offering of shares
equivalent in any project before getting the project registered
with the Haryana Real Estate Regulatory Authority, Gurgaon.

13. The matter stands disposed of.


(Vijay Kumar Goyal)
Member


(Sanjay Kumar)
Member



Haryana Real Estate Regulatory Authority, Gurgaon
Date: 04.10.2021