

**SUO MOTU ADVERTISEMENT
CASE NO. 105 OF 2023**

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

SUO MOTU ADVERTISEMENT CASE NO. 105 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Amisha Constructions Pvt. Ltd.

.... Respondent/Promoter

MahaRERA Project Registration No. P51800032736

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Adv. Shreya Dholakia appeared for the Promoter / Respondent.

ORDER

13th October 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 04/09/2023 to the Promoter above named for issuing an advertisement in Maharashtra Times and Times of India Newspapers dated 26.08.2023 in regard to their real estate project "**Borivali Padam CHSL**," situated at Borivali, Mumbai, registered with MahaRERA under Project Registration No. **P51800032736** without mentioning the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, through its written submission dated 16/09/2023, stated that on 24.08.2023, they duly provided the draft advertisement for promotional purposes to the advertising agency, with a clear intention to subsequently finalize the said advertisement upon successful generation of QR Code of the said project. However, the Promoter contended that, upon their earnest attempts to generate the QR Code, the website consistently logged off and thereby the QR Code could not be generated. Consequently, the advertising agency was instructed to proceed with the publication of the advertisement without the QR Code. The Promoter asserted that the failure to generate QR Code was due to a technical error.
3. In this regard, a hearing was scheduled on 13/10/2023 through video conferencing

**SUO MOTU ADVERTISEMENT
CASE NO. 105 OF 2023**

as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter could appear through its representative and make its submissions.

4. During the course of aforementioned proceedings, the Promoter contended that the publication of the advertisement had been temporarily put on hold until the generation of the QR Code of the project. However, despite consistent efforts the QR Code could not be generated. Therefore, the said advertisement was published without the QR Code. The Promoter further asserted that the failure to generate QR Code was due to a technical error.
5. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

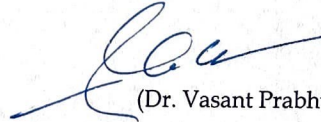
“MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023.”

“MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR code must be published besides the MahaRERA Registration Number and the Website Address. The mandate as mentioned above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority.”
6. Notwithstanding the circumstances of the present case, it has come to light that the Promoter had released advertisements in Maharashtra Times and Times of India Newspapers dated 26.08.2023 without incorporating the Quick Response (QR) Code within the aforementioned advertisements.
7. Henceforth, it becomes manifestly clear that the Promoter stands in violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No.

**SUO MOTU ADVERTISEMENT
CASE NO. 105 OF 2023**

46A/2023 dated 25.07.2023.

8. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 63 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
9. The said penalty shall be payable by the Promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
10. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.
11. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA