

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.106 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

**Abhijeet Ajit Takaliker
Projects -**

.... Respondent-Promoter

1. ARYASH RESIDENCY

MahaRERA Project Registration No.P52600020284

2. ARYASH PRISTINE

MahaRERA Project Registration No.P52600034795.

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Respondent in person

ORDER

12th December, 2023
(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 08.09.2023 to the respondent-promoter calling upon him to show cause for publishing advertisement of the aforesaid registered real estate projects in daily newspaper "Lokmat", dated 14.08.2023 without including Quick Response (QR) Code and violation of the directions issued by the Maharashtra Real Estate Regulatory Authority under MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023 and MahaRERA Order No. 46B, dated 21.08.2023.
2. Respondent-promoter filed his reply, dated 13.09.2023 and contended that the draft of advertisement was prepared prior to one month before publishing the impugned advertisement and he has not noticed the rules regarding displaying QR Code by mistake. The respondent-promoter has further contended that due to his illness he

could not recheck the said advertisement and this is his first mistake and assured for not repeating such mistake henceforth.

3. Mr. Abhijeet Ajit Takalkar, the Respondent-promoter appeared in person in the matter and has reiterated the contentions raised by him in his reply. He has admitted to have published the said advertisement in question without mentioning QR Code. He has reiterated that he had kept ready advertisement with its design one month before publishing it. Further he has submitted that he could not get sufficient time to recheck the advertisement before publishing it, and it was not an intentional act on his part. He further urged that he was not feeling well and therefore, he has not noticed the MahaRERA Order No. 46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023. He has also urged that the projects in question are small projects. While concluding his submission, he prayed to take lenient view while imposing penalty.

4. MahaRERA has issued Order No.46, dated 29.05.2023, wherein the following directions have been issued :-

- (a) The promoter shall prominently display the Quick Response (QR) Code on each and every project promotion/advertisement published after "1st August, 2023";

- (b) The QR Code must be published in a manner that is legible, readable, and detectable with software application; and

- (c) The QR Code must be published besides the MahaRERA Registration Number and the website address.

The mandate as mentioned in Clause (a) above shall apply to the following mediums of promotion/advertisement and in other medium as may be directed by the Authority.

- * Advertisement on Newspaper/Magazines/Journals, etc.
- * Printed Flyers/Brouchers/Catelogues/Leaflets/Prospectus.
- * Standees on Project Sites/Sales Office.
- * Websites/webpages of Projects.
- * Social Media Advertisements.
- * Any other Advertisements where QR Codes can be published.

5. MahaRERA has further issued Order 46A, dated 25.07.2023, following directions were issued.

a) 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.

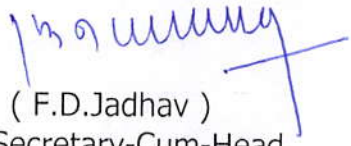
b) Failure to comply with (a) above shall be construed as violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend upto Rs.50,000/- subject however to a minimum penalty which shall not be less than Rs.10,000/- under Section 63 of the Act shall be imposed upon promoters for each such violation.

(c) Upon imposition of the penalty if the promoter fails/neglects and remedy the violation/contravention within 10 days shall be construed as a continuous violation of the directions issued in the above referred MahaRERA Order and appropriate action as deemed fit shall be taken against such promoters under the relevant provisions of the Act.

6. Considering the contentions raised out in the reply of the respondent, the respondent has voluntarily admitted the violation of the directions issued by MahaRERA vide Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023. Therefore, on the face of record itself, there is clear violation of the aforesaid MahaRERA Orders on the part of the respondent-promoter. As such the provision of Section 63 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter

referred to as "Act, 2016) is necessarily to be invoked against the respondent-promoter. Taking into consideration the plea of leniency mentioned in para 3 above, it will be just and proper that lenient view is to be taken in the matter.

7. In view of the above, the respondent-promoter shall pay the penalty of Rs.10,000/- under Section 63 of the Act, 2016 within 10 days from the date of this order, failing which respondent-promoter shall be liable to penalty of Rs.250/- per day, in addition, till the realization of entire amount.
8. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the respondent-promoter for extension, corrections, change of name etc. with respect to the aforesaid real estate projects.


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune