

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 26 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Six Aces Realtors LLP (Sanjeevani Group)
'The Prestige Avenue'

.... Respondent

MahaRERA Project Registration No.P52100001856

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

Appearance :- Mr. Rohit Deshpande

ORDER

5th March, 2024

(Through Video Conferencing)

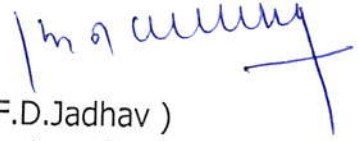
1. MahaRERA Authority has issued show cause notice, dated 29.01.2024 to the respondent-promoter for publishing advertisement on website <https://www.sanjeevanideve.com/current-projects/prestige-avenue/about-prestige-avenue.htm> in respect of real estate project "The Prestige Avenue" situated at Pashan, Pune registered with MahaRERA under Project Registration No. P52100001856 without mentioning the QR Code of the said real estate project, and thereby violating the MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.
2. The respondent-promoter has submitted his reply dated 03.02.2024 and contended that the said project is completed and has received Final Completion Certificate on 3rd Jan. 2024 prior to issuance of show cause notice as well as publishing advertisement on aforesaid website. In this background, according to the promoter, he is not in violation of MahaRERA Order No. 46/2023 and 46A/2023 and has not contravened any provisions of the Real Estate (Regulation and Development) Act, 2016. The respondent has lastly contended that due to non-contraventions of any provisions of the

Act, 2016, he is not liable for any penal action under Section 63 of the Act, 2016.

3. Mr. Rohit Deshpande appeared on behalf of the Respondent-promoter. He has reiterated the contentions raised out by the promoter in his reply. Mr. Deshpande has submitted that the said project is already completed and received full O.C. from Competent Authority prior to publication of the impugned advertisement. Mr. Deshpade urged not to impose any penalty against the promoter, as this promoter has not contravened the MahaRERA Order No. 46/2023 r.w. 46A/2023 issued by MahaRERA.
4. MahaRERA has issued Order No.46/2023, dated 29.05.2023 and thereby issued some directions in respect of QR Code viz. (i) the promoter shall prominently display the QR Code on each and every project promotion/advertisement published after 1st August, 2023, (ii) the QR Code must be published in a manner that is legible, readable and detectable with the software application and (iii) the QR Code must be published beside the MahaRERA Registration number. The mediums for display QR Code are also described in the said Order. MahaRERA has also issued Order No.46A/2023, dated 25.07.2023 thereby prescribed the amount of penalty for violation of the directions issued in the MahaRERA Order No. 46/2023.
5. The promoter has furnished the Full Occupancy Certificate, dated 03.01.2024 issued by the Pune Municipal Corporation. It palpably shows that the project of the respondent-promoter has been completed and full O.C. has been received by the promoter prior to publication of the impugned advertisement. The said full O.C. which was received prior to publication of impugned advertisement denotes that there is no breach of Order No.46/2023 read with 46A/2023 by the promoter. Consequently, this promoter cannot be held liable for violation of QR Code to be displayed in the advertisement. As such, it can be said the promoter has not violated the MahaRERA Order No.46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023. As violation of QR Code by the promoter is not proved,

therefore, the provisions of Section 63 of the Act, 2016 cannot be invoked to impose penalty against the respondent-promoter.

6. The matter is therefore, disposed off without imposing any penalty upon the respondent-promoter.



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