

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

SUO MOTU ADVERTISEMENT CASE NO. 32 OF 2023

MahaRERA on its own Motion Complainant

Versus

R Rai Udyog Builders LLP Respondent/ Promoter

MahaRERA Project Registration No. - P50500050472

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

CA Alka Tiwari appeared for the respondent/ promoter.

ORDER

21st December 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D)Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from

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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, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.

3. The MahaRERA authority had issued a show cause notice dated 20/11/2023 to the promoter above named for publishing an advertisements dated 04/11/2023 and 05/11/2023 in the Lokmat, Daily Newspaper, Nagpur as well as in the Navbharat, Daily Newspaper, Nagpur without including the Quick Response (QR) Code, in regard to the project "**Rai Orchid**" bearing MahaRERA registration no. **P50500050472**, situated at Manakapur, Nagpur.
4. The promoter, by reply dated 15/12/2023 to the said show cause notice dated 20/11/2023 had submitted that the mistake was on the part of the newspaper agency wherein they had used the existing project details from the previous advertisement as the agency was unaware of the New QR code display requirement as per the notification by MahaRERA to display QR code mandatorily w.e.f. 1st August 2023.
5. In this regard, a hearing was scheduled on 21/12/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
6. During the hearing, the promoter admitted that the MahaRERA project the Quick Response (QR) Code for the aforesaid project was not included in the said advertisements dated 04/11/2023 and 05/11/2023 published in the Lokmat, Daily Newspaper, Nagpur as well as in the Navbharat, Daily Newspaper, Nagpur due to oversight on part of newspaper agency. The promoter further argued that although the QR code for the aforesaid was not included in the aforementioned advertisements, but the Project registration number was displayed which served the purpose of providing the information about the aforementioned projects to the public.

7. In this regard, it is necessary to persue the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

MahaRERA Order No. 46/2023 dated 29.05.2023 -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 mentioned above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority.

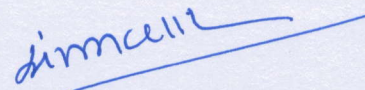
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend up to 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.

8. In the present case, the Promoter had released full page advertisements of aforesaid project in Lokmat and Navbharat, Nagpur daily newspaper dated 04/11/2023 and 05/11/2023 without mentioning/incorporating the MahaRERA the Quick Response (QR) Code of the project within the aforesaid advertisement. MahaRERA has introduced QR Code for each MahaRERA Project to assist Homebuyer to get Project related information easily. The main intention of introducing the Quick Response (QR) Code of the project is to ensure that maximum required information is available for public viewing in the most feasible manner, thereby empowering

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homebuyers / allottees to make informed choice /decisions in the ever-changing real estate market. However, in the present case, the promoter failed to include the QR code for the aforesaid project in the aforementioned advertisement which defeats the object of introducing QR code for the Real estate project.

9. 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. 46A/2023 dated 25.07.2023 for not incorporating the Quick Response code (QR code) of the project in the aforesaid advertisement.
10. In view of the above a penalty of Rs. 50,000/- is imposed upon the Promoter under Section 63 of the Act for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
11. 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.
12. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
13. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)
**Dy.Secretary,
MahaRERA,Nagpur.**