

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

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 60 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Sigma Ventures

.... Respondent-Promoter

Name of the Project :- Sigma Aventino

MahaRERA Project Registration No.P52100025246

Appearance :- Absent

ORDER

7th June, 2024

(Through Video Conferencing)

1. MahaRERA has suo-motu registered the present case on the basis of an anonymous complaint application, dated 18.03.2024 annexed with a photo copy of an advertisement published on hoarding at Jarande Nagar, Handewadi-Mohammedwadi Road, wherein no QR Code has been displayed of the aforesaid registered project. Accordingly, this Authority has issued show-cause notice, dated 22.03.2024 to the respondent-promoter as to why penal action under Section 63 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the "Act of 2016") should not be taken against him for publishing the impugned advertisement on a hoarding of his aforesaid real estate project "AVENTINO", situated at Pune registered with MahaRERA Project Registration No. P52100025246 without including the Quick Response (QR) Code of the said real estate project in the said advertisement and thereby violating the directions issued by the Maharashtra Real Estate Regulatory Authority Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. The aforesaid show cause notice, dated 22.03.2024 has been sent on the address of the Respondent-promoter registered with MahaRERA by post

and the mobile phone number of the promoter registered with MahaRERA was also mentioned on the postal envelope. However, it has been returned unserved with postal remarks "Left Address". Also the show cause notice, dated 22.03.2024 was sent on the email id of the promoter registered. In spite of service of show cause notice by mail, the respondent-promoter failed to appear and file his reply. Therefore, with a view to give opportunity of being heard, notice of hearing was also sent to the promoter on the email id registered with MahaRERA on 2nd April, 2024. Still the respondent has not attended the virtual hearing on the said date. Therefore, the matter was adjourned from time to time on 16.04.2024, 23.04.2024 and 31.05.2024 and notices of the same were also served to the promoter on his mail id. As the respondent-promoter has failed to attend the virtual hearing though sufficient opportunity of being heard was given to him, this order is being passed exparte against the respondent.

3. Perused the impugned advertisement. RERA Registration number of the project has been mentioned in it. However, QR Code is not displayed in the said advertisement. The website address of the Maharera has also not been mentioned in it.

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";

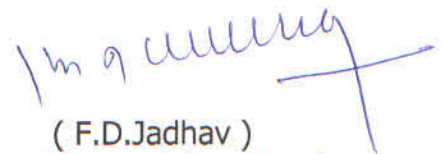
(b) The QR Code must be published in a manner that is legible, readable, and detectable with software application; and

(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 mediums of promotion/advertisement mentioned thereunder. It is to be stated here that advertisement on Newspaper/Magazines/Journals, etc. is first medium amongst 5 mediums.

5. MahaRERA has further issued Order 46A, dated 25.07.2023. Total three directions were issued thereunder. First two directions are necessary for the purpose of this matter, which are as under :-
 - 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.
6. Considering the evidence on record there appears clear contravention on the part of the promoter of the directions issued by MahaRERA vide Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023 by not displaying QR Code in the impugned advertisement on the part of the promoter. It implies that the charges leveled against the respondent are proved beyond reasonable doubt. As such the provision of Section 63 of Act, 2016 have to be invoked against the respondent-promoter for imposing penalty.
7. In view of the above, the penalty of Rs.25,000/- under Section 63 of the Act, 2016 is imposed upon the promoter for committing violation of MahaRERA Order No. 46/2023 and MahaRERA order No. 46A/2023.

8. The said penalty shall be payable by the promoter within 15 days from the date of this order, failing which promoter shall be liable to penalty of Rs.500/- per day, in addition, till the realization of entire amount.
9. 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 project.


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