

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.85 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Nirvana Creators & Developers

Nirvana Lakeview Retreat

.... Respondent

MahaRERA Project Registration No.P52100033999

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

Appearance :- Mr. Harish Shastri for respondent.

ORDER

17th October, 2023

(Through Video Conferencing)

1. The present case has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing advertisement of his project "Nirvana Lakeview Retreat" in daily newspaper "The Times of India", dated 05.08.2023, wherein the respondent-promoter has not included Quick Response (QR) Code, thereby violating the direction issued by the Maharashtra Real Estate Regulatory Authority under MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46-A, dated 25.07.2023.

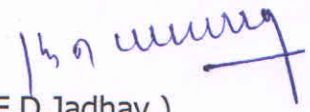
2. In pursuance of the aforesaid advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") vide No. MahaRERA/Secy/SCN/1142/2023, dated 24.08.2023, show cause notice, dated 31.08.2023 has been issued to the respondent-promoter calling upon him as to why necessary action should not be taken against him for imposing penalty under Section 63 read with MahaRERA Order

No.46/2023, dated 29.05.2023 and MahaRERA Order No.46-A, dated 25.07.2023.

3. The respondent-promoter has filed his reply through email, which is received by this office on 31.08.2023. The respondent-promoter has contended in his reply that the said mistake could not be rectified as the order was given to the concerned newspaper for publishing impugned advertisement prior to two weeks in July and the same could not be changed, but from second week of August, they have already incorporated the QR Code in their future advertising.
4. On receipt of reply by the promoter, Notice of hearing, dated 27.09.2023 was issued to the respondent-promoter whereby he was asked to attend virtual hearing on 17.10.2023. Respondent-promoter appeared in the matter through partner Mr. Harish Shastri. He has reiterated the contentions raised by the respondent-promoter in his reply. Mr. Shastri admitted to have issued the impugned advertisement without including QR Code and prayed for leniency.
5. It has come on record that the respondent-promoter has issued the impugned advertisement in daily newspaper "Times of India" without including the QR Code. The directions were issued by the MahaRERA under Order No.46/2023, dated 29.05.2023 read with Order 46A, dated 25.07.2023 that the promoter shall prominently display Quick Response (QR) Code on each and every project promotion/advertisement published after 1st August, 2023, the QR Code must be published in a manner that is legible, readable and detectable with software application and 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. The first medium shown thereunder is advertisement on newspaper/magazines/journals etc. which is relevant in the matter. By not including the QR Code in the impugned advertisement, the

respondent-promoter has thus violated the directions issued by the MahaRERA.

6. Thus taking into consideration the aforesaid facts on record and admission by respondent-promoter for publishing the impugned advertisement, this is a fit case to impose penalty under Section 63 of the Act, 2016 for violation of the Order No. 46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 issued by the MahaRERA.
7. In view of above, the penalty of Rs.25,000/- is imposed upon the promoter under Section 63 of the Act 2016 for violation of MahaRERA order No.46/2023 read with MahaRERA Order No. 46A/2023.
8. 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.250/- per day, in addition, would be imposed till 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 promoter for extension, corrections, change of name etc., with respect to the said project.


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