SUO MOTU ADVERTISEMENT CASE NO. 98 OF 2023

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

SUO MOTU ADVERTISEMENT CASE NO. 98 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

ECC Konark Joint Venture

.... Respondent/Promoter

MahaRERA Project Registration No. P51800012155

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Ms. Megha Vyas appeared for the Promoter / Respondent.

ORDER

27th September 2023

(Through Video Conferencing)

- The MahaRERA Authority had issued a show cause notice dated 29/08/2023 to the Promoter above named for issuing an advertisement on a website namely "https://www.dynamix-luma.in/" in regard to their real estate project "Luma Towers A & B," situated at Andheri, Mumbai, registered with MahaRERA under Project Registration No. P51800012155 without mentioning the Quick Response (QR) Code of the said real estate project in the said advertisement.
- 2. The Promoter, through its written submission dated 11/09/2023, stated that the said website in question is not their official website and that the said website had been created by one of their channel partners for their advertising purposes and that the same is fully under the management/control of the channel partner. The Promoter further submitted that the in the said advertisement advertised by the channel partner on the said website in respect of their project "Luma Towers A & B", the Quick Response (QR) Code inadvertently remained to be included in the said advertisement.
- 3. In this regard, a hearing was scheduled on 14/09/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023,

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when the Promoter could appear through its representative and make its submissions.

- 4. In the course of aforementioned proceedings, the Promoter submitted that the said website in question belonged to one of their channel partners and that the said advertisement on the website was disseminated by the channel partner without the Promoter's knowledge. The Promoter further submitted that the in the said advertisement advertised by the channel partner on the said website in respect of their project "Luma Towers A & B", the Quick Response (QR) Code inadvertently remained to be included in the said advertisement.
- 5. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

"MahaRERA Order No. 46A/2023 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."

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

- 6. Notwithstanding the circumstances of the present case, it has come to light that the Promoter's channel partner had released an advertisement on a website namely "https://www.dynamix-luma.in/" Further, the Promoter's channel partner had failed to incorporate the Quick Response (QR) Code within the aforementioned advertisement.
- 7. Henceforth, it becomes manifestly clear that the Promoter stands in violation of

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MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No.

46A/2023 dated 25.07.2023 in as much as the aforementioned advertisement was

disseminated by the Promoter's duly registered channel partner. Consequently, the

Promoter is jointly and severally liable for the actions of its affiliated channel

partner in accordance with the law.

8. In view of the above a penalty of Rs. 50,000/- is imposed upon the Promoter under

Section 63 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read

with MahaRERA Order No. 46A/2023 dated 25.07.2023.

9. 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.

10. The Technical and Finance Departments of the MahaRERA Authority are mandated

to authenticate the payment of the penalty prior to initiating the processing of any

applications, including but not limited to extensions, corrections, and change of

name, pertaining to the specified project.

11. In view of the above, the present case stands disposed of.

(Dr. Vasant Prabhu)

Secretary, MahaRERA