

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

**SUO MOTU ADVERTISEMENT
CASE NO. 98 OF 2023**

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