

**SUO MOTU ADVERTISEMENT
CASE NO. 116 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 116 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Mahaveer Realty

....Respondent/Promoter

MahaRERA Project Registration No. P52000045990

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Mr. Naresh for the Promoter / Respondent.

ORDER

30th May 2024

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 06.05.2024 to the Promoter above named for issuing an advertisement on a website namely "<https://avsproperties.in/mahaveer-empire/>" in regard to their real estate project "Mahaveer Empire" situated at Panvel, Raigarh registered with MahaRERA under project registration number P52000045990 without incorporating the MahaRERA Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, through its written submission dated 21.05.2024, stated that they did not release the advertisement. Further the Promoter stated that Mr. Sanjay Madanlal Jain (Proprietor of Millenium Realty) was appointed as their sole selling agent, Mr. Sandeep Balu Choudhary (Proprietor of AVS Properties) had requested project details to work as a channel partner. While discussions about terms and conditions were ongoing and had not been finalized, AVS Properties posted the project details without the knowledge of either the Promoter or the sole selling agent.
3. In this regard, a hearing was scheduled on 30.05.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023,

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wherein the Promoter can appear through its representatives and make its submissions.

4. During the course of the proceedings, the Promoter submitted that the said advertisement published on the website in question has been issued by one of their channel partners namely "Millenium Realty," without their knowledge and permission. Further the Promoter stated that the said advertisement has now been withdrawn.
5. In this regard, it is necessary to peruse the provisions of Section 11(2) of the RERA; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

"11(2) The advertisement or prospectus issued or published by the Promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."

"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 been established that the Promoter had published an advertisement on a website. Further, the Promoter had failed to mention the MahaRERA Project Registration Number and the QR Code within the aforementioned advertisement. Moreover, whether the said

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advertisement was published without the Promoter's knowledge and permission is remains uncertain.

7. Henceforth, it becomes manifestly clear that the Promoter stands in violation of Section 11(2) of the Real Estate (Regulation and Development) Act, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
8. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Sections 61 and 63 of the RERA for violation of the provisions of Section 11(2) of the Act and 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 the penalty is enforced, 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