

**SUO MOTU ADVERTISEMENT
CASE NO. 107 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 107 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Nirmitee Builders & Developers

.... Respondent/Promoter

MahaRERA Project Registration No. P52900049381

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

CA Sudhir Khanolkar appeared for the Promoter / Respondent.

ORDER

13th October 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 04/09/2023 to the Promoter above named for issuing an advertisement in Maharashtra Times Newspaper dated 20.08.2023 in regard to their real estate project “Nirmitee Avighna,” situated at Kudal, Sindhudurg, registered with MahaRERA under Project Registration No. **P52900049381** 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 14/09/2023, the Promoter acknowledged that the introduction of the QR Code requirement was new, leading to an unintentional oversight regarding the publication of the advertisement without the QR Code. Consequently, the publication of the advertisement without the QR Code was an unintended oversight on their part.
3. In this regard, a hearing was scheduled on 13/10/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter could appear through its representative and make its submissions.

**SUO MOTU ADVERTISEMENT
CASE NO. 107 OF 2023**

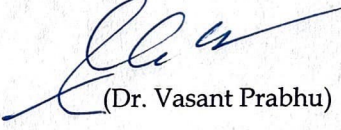
4. During the course of aforementioned proceedings, the Promoter contended that the introduction of the QR Code requirement was new, leading to an unintentional oversight. The Promoter further asserted that the publication of the advertisement without the QR Code was due to inadvertence.
5. In this regard, 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 had released an advertisement in Maharashtra Times Newspaper dated 20.08.2023 without incorporating the Quick Response (QR) Code within the aforementioned advertisement.
7. Henceforth, it becomes manifestly clear that the Promoter stands in violation of 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. 10,000/- 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.

**SUO MOTU ADVERTISEMENT
CASE NO. 107 OF 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