

**SUO MOTU ADVERTISEMENT
CASE NO. 128 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 128 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Homesfy Realty Private Limited

(Channel Partner of Larsen & Toubro real estate project "Emerald Isle -T16")

....Respondent/Promoter

Agent Registration No. A51900000136

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Mr. Shashank Mewada appeared for the Respondent.

ORDER

13th October 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 04/10/2023 to the Respondent above named, for issuing an advertisement on website namely <https://elixir.lnt-powai.in/> in respect of Larsen & Toubro Ltd. (Realty Division)'s real estate project "Emerald Isle-T16" registered with MahaRERA under Project Registration No. P51800013504 ,situated at Kurla, Mumbai Suburban without incorporating the QR Code in the said advertisement.
2. The Respondent, despite receiving the show-cause notice dated 04/10/2023, failed to provide an explanation within the specified time period mentioned in the aforementioned show cause notice.
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 Respondent can appear through its representative and make its submissions.

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4. During the aforementioned hearing, the Respondent submitted that they incorporated the QR code in all the project advertisements except a few instances such as above-mentioned advertisement where they inadvertently overlooked incorporating the QR code.
5. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46B/2023 dated 21.08.2023 read with MahaRERA Order No. 46/2023 dated 29.05.2023, which reads as under:

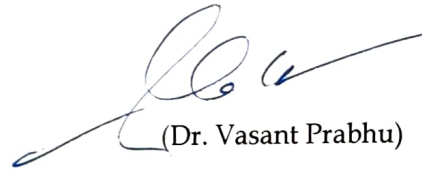
"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR Code on each and every real estate promotion/advertisement published in the mediums as more specifically listed in MahaRERA Order No. 46/2023 dated 29.05.2023."

"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. Whereas MahaRERA Order No. 46B, dated 21.08.2023 specifically contends that directions issued by the authority in MahaRERA Order Nos. 46/2023 and 46A/2023 dated 29.05.2023 and 25.07.2023 respectively shall mutatis mutandis apply to all the registered real estate agents, and in view thereof with effect from the date of coming into force of this order, the directions issued therein shall be followed by every real estate agent.
7. From the plain reading of the above-mentioned order, the Real Estate Agent is under obligation to incorporate the QR Code of the Registered Project into any promotions or advertisements.

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8. In the present case, the Respondent had published an advertisement on the above-mentioned website. However, the Respondent had failed to incorporate the MahaRERA QR Code in the said advertisement.
9. Consequently, it is evident that the Respondent is in contravention of Order No. 46B/2023 dated 21.08.2023 read with Order No. 46/2023 dated 29.05.2023 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.
10. In view of the above a penalty of Rs. 50,000/- is imposed upon the Respondent under Section 65 of the RERA for violation of MahaRERA Order No. 46B/2023 dated 21.08.2023 read with MahaRERA Order No. 46/2023 dated 29.05.2023.
11. The said penalty shall be payable by the Respondent 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.
12. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty.
13. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)

Secretary, MahaRERA