

**SUO MOTU ADVERTISEMENT
CASE NO. 161 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 161 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

NirmanGold Structures Pvt. Ltd.

.... Respondent/Promoter

MahaRERA Project Registration No. P51500005118

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared for the Promoter / Respondent.

ORDER

06th March 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 30.10.2023 to the Promoter above named for issuing an advertisement in Lokmat Newspaper dated 20.10.2023 in regard to their real estate project "Mulay I Square" situated at Aurangabad without incorporating the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, in its written submission dated 06.12.2023 stated that they immediately stopped the said advertisement in question and the QR code was incorporate into the next advertisement which was published on 08.11.2023. The Promoter further submitted that they were unaware of the MahaRERA Order No. 46A/2023 and thus the QR code was not mentioned in the said advertisement.
3. In the preceding hearing dated 08.12.2023, the Promoter had submitted that the QR code wasn't incorporated in the said advertisement since they were unaware of the MahaRERA Order No. 46A/2023. The Promoter had asserted that they immediately stopped advertising and in the next published advertisement on 08.11.2023, QR code was mentioned. The Promoter had stated that the said project is commercial in nature, and it consists of shops for commercial use.

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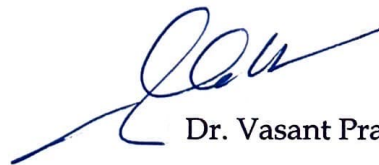
4. After considering the submissions of the Promoter, the Promoter was thereby directed to submit the original extract of the advertisement dated 08.11.2023 on record of MahaRERA Authority within a period of 7 days from the date of hearing.
5. In this regard, a second hearing was scheduled on 06.03.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter could have appeared through its representatives and made its submissions.
6. However, during the course of proceedings, the Promoter failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Promoter.
7. 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.”
8. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement in Lokmat Newspaper dated 20.10.2023. Further, the Promoter had failed to incorporate the MahaRERA Quick Reponse (QR) Code within the aforementioned advertisement.

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9. 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.
10. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 63 of the RERA for violation of the provisions of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
11. 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.
12. 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.
13. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA