

**SUO MOTU ADVERTISEMENT
CASE NO. 175 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 175 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Mokate Constructions

.... Respondent/Promoter

MahaRERA Project Registration No. P52100035155

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 Sakal Newspaper dated 21.10.2023 in regard to their real estate project "Mokate Heritage" situated at Pune without incorporating the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, inspite of having received the intimation letter dated 30.10.2023 from "The Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
3. In the preceding hearing dated 28.12.2023, the Promoter had submitted that they had not received the intimation letter from the Advertising Standards Council of India concerning the suo-motu complaint filed against the print advertisement of Mokate Constructions - Mokate Heritage published in Sakal Newspaper dated 21.10.2023. Additionally, the Promoter had also stated that they had not received the show cause hearing notice sent by MahaRERA Authority.
4. After considering the submissions of the Promoter, it was thereby directed to

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resend the MahaRERA's show cause hearing notice along with Advertising Standards Council of India's intimation letter and the said advertisement in question.

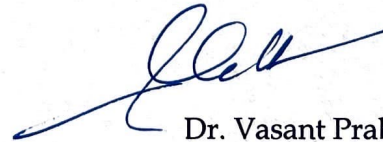
5. In accordance with the directions issued in the preceding hearing dated 28.12.2023, MahaRERA's show cause hearing notice along with Advertising Standards Council of India's intimation letter and the said advertisement in question was emailed to the Promoter on 04.03.2024.
6. In this regard, a second 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.
7. 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.
8. 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."

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9. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement in Sakal Newspaper dated 21.10.2023. Further, the Promoter had failed to incorporate the MahaRERA Quick Reponse (QR) Code of the said project within the aforementioned advertisement.
10. 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.
11. In view of the above a penalty of Rs. 50,000/- 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.
12. 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.
13. 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.
14. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA