

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.110 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Urban Realty.

1) Mankarnika

2) Chaitanyashree

3) Vivek Apartment

.... Respondent

**MahaRERA Project Registration No.P52100024999, P52100025008 &
P52100029010**

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Mr. Pritam Mandlecha, partner for respondent.

ORDER

27th October, 2023

(Through Video Conferencing)

1. The present matter has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing advertisement of its projects (1) "Mankarnika", (2) "Chaitanyashree" and (3) "Vivek Apartment" in the daily newspaper "Maharashtra Times", dated 18.08.2023 wherein the respondent-promoter has not included Quick Response (QR) Code in the said advertisement and thereby violated the directions issued by the MahaRERA Authority under MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. In pursuance of the aforesaid advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016"), dated 26.04.2023 and

24.08.2023 show cause notice, dated 08.09.2023 has been issued to the respondent-promoter calling upon him as to why necessary action should not be taken against him for imposing penalty under Section 63 of the Act, 2016.

3. It has come on record that the promoter has issued the impugned advertisement without mentioning QR Code. Therefore, show cause notice was issued against him, to which the respondent-promoter has filed his reply, dated 14.09.2023 wherein it has been contended that the said projects are completed project and completion certificates from the sanctioning authority have been obtained by the respondent-promoter, which have uploaded on MahaRERA portal. It has further been contended that all the three projects have been handed over to Chaitanyashree and Mankarnika society as well as to Vivek Apartment. It is further contended by the respondent-promoter that it has provided copies of the RERA Certificates of the above referred projects to its marketing agency and also published the QR Codes for the projects where QR Codes were printed on the certificate. As the RERA Certificates of the aforesaid three projects were issued prior to Circular, dated 29th May, 2023 regarding publishing the QR Codes in all the advertisements and display boards, etc., there were no QR Codes on the RERA Registration Certificates and therefore, its marketing agency published RERA Registration number for all the projects and did not publish the QR Codes for these 3 projects in the advertisement, which mistake from its side is an unintentional one. The respondent-promoter has further contended that it is an inadvertent mistake and not a willful or deliberate act on its part and there is no intention to hide any information regarding its projects from the public at large.

4. On receipt of reply by the promoter, Notice of hearing, dated 05.10.2023 was issued to the respondent-promoter whereby he was asked to attend virtual hearing on 27.10.2023. Respondent-promoter appeared in the matter through its partner Mr. Pritam Mandlecha. He has

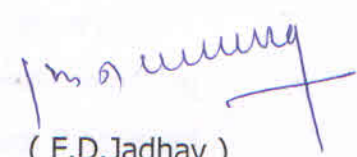
reiterated the contentions raised by the respondent-promoter in its reply. Mr. Pritam Mandlecha submitted that the said projects of the respondent have already been completed and as RERA Certificates were issued for the said projects prior to issuance of the Circular, dated 29th May, 2023, the QR Code cannot be included in the advertisement. In support of its contentions, respondent has filed occupancy/completion certificates, dated 06.07.2023, 06.04.2023 and 17.03.2023 respectively issued by the Pune Municipal Corporation of the aforesaid three projects.

5. Perused the documents filed on record by the respondent-promoter. Perused impugned advertisement. The advertisement is for as many as 9 real estate projects in different localities of Pune City, including the aforesaid 3 real estate projects. However, there is no QR Code included in the said advertisement, so far as the three projects involved in this case. It further shows that these three projects are ready for possession. However, the advertisement does not contains registration numbers and QR Code of the real estate projects of the respondent-promoter. The respondent-promoter has admitted to have published the impugned advertisement in the website without mentioning registration number of the projects and QR Code. Thus, the facts of the case, documents on record and admission by respondent manifestly shows that there is violation of Order No.46 and 46A/2023 issued by MahaRERA.

6. Therefore, this is a fit case to invoke the provision of Section 63 to impose penalty upon the respondent-promoter for violation of the Order No. 46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 issued by the MahaRERA.

7. In view of above, the penalty of Rs.25,000/- is imposed upon the respondent-promoter under Section 63 of the Act 2016 for violation of MahaRERA order No.46/2023 read with MahaRERA Order No. 46A/2023.

8. The aforesaid 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.250/- per day in addition, would be imposed till realization of entire amount.
9. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune