

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

**SUO MOTU ADVERTISEMENT CASE NO. 2 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Mr. Purushottam Thakur/Thakur Builders and Developers/VST

Buildcon Pvt. Ltd.

.... Respondent/ Promoter

**MahaRERA Project Registration No.- P51500045533 and 03  
others unregistered projects.**

**Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA**

Mr. Pranay Takwale appeared for the respondent/ promoter.

**ORDER**

18<sup>th</sup> April 2024

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D) Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from



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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, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.

3. The MahaRERA authority had issued a show cause notice dated 17/01/2024 to the Promoter above named for publishing an advertisement dated 16/01/2024 in the Daily Lokmat E-paper, Ch. Sambhaji Nagar, in regard to the project -1) Thakur Enclave situated at Nandanvan colony, Ch. Sambhaji Nagar registered with MahaRERA under Project Registration No.P51500045533 without including the Quick Response (QR) Code of the said real estate project in the said advertisement which is in violation of MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 and in regard to the projects- 2) Mangalam Galaxy 3) Padma Tranquil Heights 4) Shriram Niwas, situated at Ch. Sambhaji Nagar without registering the said projects with MahaRERA which is in violation of section 3 of the Act-2016.
4. The promoter, by its reply dated 24/01/2024 to the said show cause notice dated 17/01/2024 had submitted that the project at Sr. No.1-Thakur Enclave had been registered with MahaRERA bearing Project registration No. P51500045533 and due to inadvertent mistake, QR code for the said real estate project was not included in the aforesaid advertisement. The Promoter further submitted that however, the land area for the projects at Sr.No.2-Mangalam Galaxy; Sr.No.3- Padma Tranquil Heights; Sr. No.4- Shriram Niwas, was less than 500Sq.Mtr and hence, aforesaid projects do not require to comply with MahaRERA registration. The Promoter further furnished the sanction plans and other relevant documents for the said projects at Sr. No 2,3,4.
5. In this regard, a first hearing was scheduled on 09/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent even though the notice of the hearing and the link of the hearing was duly served upon the Promoter. Hence, in compliance with the principle of natural justice, the proceedings were adjourned to the next date of the hearing. Accordingly, the second hearing was scheduled on



07/03/2024 when the Promoter appeared through its representative and made its submissions. After hearing the Promoter through a representative, the proceedings were adjourned to the next date of hearing for document submission. Accordingly, the third hearing was scheduled on 21/03/2024 when the Promoter remained absent even though the link of the hearing was duly served upon the Promoter. Hence, the next hearing was scheduled on 18/04/2024 when the Promoter appeared through its representative and made its submission.

6. During the hearing, the Promoter admitted that the Quick Response (QR) Code for the aforesaid project - at Sr.No.1-Thakur Enclave is not included in the said advertisement published in the Lokmat E-paper, Ch. Sambhaji Nagar dated 16/01/2024 due to inadvertent mistake. The Promoter further assured that henceforth the Quick Response (QR) Code will be mentioned/incorporated in all the advertisements. The Promoter, in regard to the projects - Sr.No.2-Mangalam Galaxy; Sr.No.3- Padma Tranquil Heights; Sr.No.4- Shriram Niwas, further submitted that the land area for the said projects was less than 500Sq.Mtr and hence, aforesaid projects do not require to comply with MahaRERA registration.
7. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:

***"No Promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."***

8. From the plain reading of Section 3, the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA.
9. In this regard, it is also necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:



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**MahaRERA Order No. 46/2023 dated 29.05.2023** -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 applications. 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.

**MahaRERA Order No. 46A/2023 dated 25.07.2023** – (a)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. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- under Section 63 of the Act shall be imposed upon promoters for each such violation.

10. In the present case, the Promoter had released a small size advertisement dated 16/01/2024 in the Daily Lokmat E-paper, Ch. Sambhaji Nagar, of the aforesaid project -1) Thakur Enclave without including the Quick Response (QR) Code of the said real estate project in the said advertisement and of the projects- 2) Mangalam Galaxy 3)Padma Tranquil Heights 4) Shriram Niwas, situated at Ch.Sambhaji Nagar without registering the said projects with MahaRERA.
11. However, in regard to the projects at Sr. No. 2,3 and 4 it has been established from the documents on record that the land area for the said projects is less than 500Sq.Mtr. Hence, in regard to the projects - at serial no. 2,3 and 4, the Promoter is not in violation of Section 3 of the Act-2016.
12. However, in regard to project at Sr. No.1, bearing MahaRERA Project registration No. P51500045533, it has been established that the Promoter failed to incorporate/mention the Quick Response (QR) Code of the aforesaid projects within the aforesaid advertisement.



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13. 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 for not incorporating the Quick Response code (QR code) of the aforementioned project at serial no. 1 in the aforesaid advertisement.
14. In view of the above a penalty of Rs. 15,000/- 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.
15. 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.
16. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
17. With the above directions, the present case stands disposed of.



*Sanjay Bhimanwar*  
(Sanjay Bhimanwar)

**Dy. Secretary,  
MahaRERA, Nagpur.**