

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

SUO MOTU ADVERTISEMENT CASE NO. 24 OF 2024

MahaRERA on its own Motion Complainant

Versus

National Builders and Developers Respondent/ Promoter

MahaRERA Project Registration No. - P50500053114

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

Mr.Kunal Niswade appeared for the respondent/ promoter.

ORDER

02nd May*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 01.08.2023, promoter shall prominently display the QR Code on each and every real estate project promotion / advertisement published in the

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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 16/04/2024 to the Promoter above named for publishing an advertisement in Hello Nagpur-Daily Lokmat newspaper, Nagpur, dated 09/04/2024, in regard to the project, Royal Pride situated at Nagpur registered with MahaRERA under Project registration No. P50500053114 without including the Quick Response code(QR code) of the said real estate project in the said advertisement which is in violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
4. The Promoter, by its reply dated 22/04/2024 to the show cause notice dated 16/04/2024, had submitted that the absence of QR code of the said real estate project in the said advertisement was due to oversight on part of the Promoter only.
5. In this regard, a hearing was scheduled on 02/05/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter appeared and made its submissions.
6. During the hearing, the Promoter admitted that the Quick Response (QR) Code for the aforesaid project was not incorporated in the said advertisement dated 09/04/2024 due to oversight on part of the Promoter. The Promoter further submitted that due to small size of the aforesaid advertisement, it was a challenge to accommodate the QR code of aforesaid project. The Promoter sought an apology and assured that henceforth, the Quick Response (QR) Code will be included/incorporated in all the advertisements published by it.
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. 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.

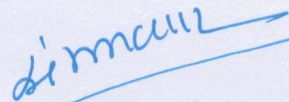
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a) With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 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.

8. In the present case, the Promoter had released small size advertisement in "Hello Nagpur, Daily Lokmat newspaper, Nagpur dated 09/04/2024 in regard to its real estate project "Royal Pride " situated at Nagpur without including/incorporating the Quick Response (QR) Code of the said real estate project in the said advertisement. It has been established from the submission of the Promoter that the Promoter has failed to include /incorporate the Quick Response (QR) Code of the said real estate project in the said advertisement.
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 for not including/incorporating the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement respectively.
10. In view of the above, a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 63 of the Act-2016 for violation of MahaRERA Order No.

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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 of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
12. 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.
13. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)
**Dy.Secretary,
MahaRERA,Nagpur.**