

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.160 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Deepak Infra & Homes Pvt.Ltd.

.... Respondent-Promoter

'Three Leaves-Phase I'

MahaRERA Project Registration No. P51600047728

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

Appearance :- C.A. Mr. Bhalchandra Salunke for Respondent

ORDER

9th January, 2024

(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 28.11.2023 to the respondent-promoter for publishing advertisement in daily newspaper 'Loksatta', dated 28.10.2023 in respect of Real Estate Project "Three Leaves Phase I" situated at Govind Nagar, Nashik registered with MahaRERA Project Registration No. P51600047728 without including the Quick Response (QR) Code of the said Real Estate Project in the said advertisement and thereby violating the directions issued by the Maharashtra Real Estate Regulatory Authority Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. Respondent-promoter has filed his reply dated 11.12.2023. Respondent has contended in his reply that due to printing of QR Code by the Newspaper 'Loksatta' in improper size and the same appears to not fetching the result. It is further contended by the respondent-promoter in his reply that the default, if any, is of technical nature and beyond the

control of the developer and therefore, prayed that lenient view in the matter be taken while imposing penalty.

3. C.A. Mr. Bhalchandra Salunkhe for respondent appeared on behalf of respondent. He has reiterated the contentions raised out by the respondent-promoter in his reply. He has submitted that due to technical error on the part of the newspaper, the QR Code was not displayed in the impugned advertisement. According to him, there was no any intention to hide the details of the project by the promoter. He urged for lenient view be taken while imposing penalty.

4. Considering the unequivocal admission of the Respondent/Promoter in respect of advertisement issued in respect of the Real Estate Project "Three Leaves Phase-I" without QR code, it can be said that the charges leveled against the Respondent/Promoter have been clearly proved.

5. MahaRERA has issued Order No.46, dated 29.05.2023, wherein the following directions have been issued :-

(a) The promoter shall prominently display the Quick Response (QR) Code on each and every project promotion/advertisement published after "1st August, 2023";

(b) The QR Code must be published in a manner that is legible, readable, and detectable with software application; and

(c) The QR Code must be published besides the MahaRERA Registration Number and the website address.

The mandate as mentioned in Clause (a) above shall apply to the following mediums of promotion/advertisement and in other medium as may be directed by the Authority.

- * Advertisement on Newspaper/Magazines/Journals, etc.
- * Printed Flyers/Brouchers/Catelogues/Leaflets/Prospectus.
- * Standees on Project Sites/Sales Office.
- * Websites/webpages of Projects.
- * Social Media Advertisements.
- * Any other Advertisements where QR Codes can be published.

6. MahaRERA has further issued Order 46A, dated 25.07.2023, wherein following directions were issued.

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.

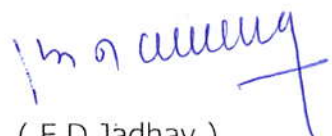
b) Failure to comply with (a) above shall be construed as violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend upto Rs.50,000/- subject however to a minimum penalty which shall not be less than Rs.10,000/- under Section 63 of the Act shall be imposed upon promoters for each such violation.

(c) Upon imposition of the penalty if the promoter fails/neglects to rectify and remedy the violation/contravention within 10 days shall be construed as a continuous violation of the directions issued in the above referred MahaRERA Order and appropriate action as deemed fit shall be taken against such promoters under the relevant provisions of the Act.

7. It can be seen from the record that the respondent has voluntarily admitted the violation of the directions issued by MahaRERA vide Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023 by him. It is the defence of the promoter that he had given advertisement to the newspaper 'Loksatta' along with QR Code for publishing the advertisement of the project. But the concerned newspaper made fault while publishing the same. It is to be mentioned here that, the promoter

has to be conscious while doing proof reading of the advertisement prior to publishing the same. Therefore, there is clear contravention of the aforesaid MahaRERA Orders on the part of the respondent-promoter. It palpably indicates the breach of MahaRERA Orders (supra) by the promoter. As such the provision of Section 63 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as "Act, 2016) have to be invoked against the respondent-promoter for imposing penalty. Considering the fact that the RERA Registration Number has been mentioned in the impugned advertisement, lenient view is required to be taken while imposing penalty in this matter.

8. In view of the above, the respondent-promoter shall pay the penalty of Rs.25,000/- under Section 63 of the Act, 2016 within 10 days from the date of this order, failing which respondent-promoter shall be liable to penalty of Rs.250/- per day, in addition, till the 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 the respondent-promoter for extension, corrections, change of name etc. with respect to the aforesaid real estate projects.


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