

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.163 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Riverfront Developers

.... Respondent-Promoter

Nivaan Riviera-MahaRERA Project Registration No.P52700050836

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

Appearance :- C.A. Mr. Priyesh Jain for Respondent

ORDER

9th January, 2024

(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 01.12.2023 to the respondent-promoter for publishing advertisement in daily newspaper 'Sakal', dated 12.11.2023 in respect of real estate project "Nivaan Riviera", situated at Shirwal, Khandala, District Satara registered with MahaRERA Project Registration No. P52700050836 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. C.A. Mr. Priyesh Jain appeared on behalf of respondent. He has contended that he will not file reply in the matter as he is admitting the charges leveled in the show cause notice, dated 01.12.2023. He has voluntarily admitted the charges leveled against the respondent-promoter in the said show cause notice, dated 01.12.2023 and requested to pass order in the matter.

3. Considering the unequivocal admission of the Respondent/Promoter in respect of advertisement issued in respect of the aforesaid Real Estate Project without QR code, it can be said that the charges leveled against the Respondent/Promoter have been clearly proved.

4. 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.

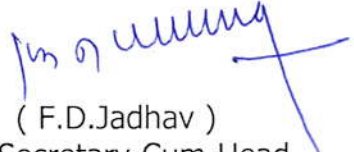
The mandate as mentioned in Clause (a) above shall apply to the mediums of promotion/advertisement mentioned thereunder. It is to be stated here that advertisement on Newspaper/Magazines/Journals, etc. is first medium shown at serial No.1 amongst 5 mediums.

5. MahaRERA has further issued Order 46A, dated 25.07.2023. Total three directions were issued thereunder. However, first two directions are necessary for the purpose of this matter, which are as under :-

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.

6. 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. Therefore, there appears clear contravention of the aforesaid MahaRERA Orders on the part of the respondent-promoter. It explicitly indicates the violation 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. It can be seen the fact that the RERA Registration Number has been mentioned in the impugned advertisement. Therefore, lenient view ought to be taken while imposing penalty in this matter under Section 63 of the Act, 2016.
7. 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.
8. 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 project.


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