

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

**SUO MOTU ADVERTISEMENT CASE NO. 22 OF 2024**

MahaRERA on its own Motion .... Complainant

Versus

M/s.Ozen Buildcon .... Respondent/ Promoter

**MahaRERA Project Registration No. - P50500048993**

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

Mr.Ajay Kesare appeared for the respondent/ promoter.

**ORDER**

07<sup>th</sup> June 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 01/04/2024 to the Promoter above named for publishing an advertisement through Flyer/Brochure in Nagpur, dated 26/03/2024, in regard to the project, Ozen City situated at Borkhedi, Nagpur registered with MahaRERA under Project registration No. P50500048993 without including the MahaRERA Project registration No. and Quick Response code(QR code) of the said real estate project in the said advertisement which is in violation of section 11(2) of the Act-2016 and 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 07/04/2024 to the said show cause notice dated 01/04/2024, had submitted that the aforementioned advertisement's flyer/brochure were printed way back a year ago and the concerned printing agency has forgot to mention the MahaRERA project registration no. and QR code for aforesaid real estate project. The Promoter further submitted that the aforementioned flyers/brochure of the aforesaid advertisement has already been scrapped out.
5. In this regard, a first hearing was scheduled on 12/04/2024 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 and link of the hearing were duly served upon the Promoter. Hence, in compliance with the principle of natural justice, the next hearing was scheduled on 07/06/2024, when the Promoter appeared and made its submissions.
6. During the hearing, the Promoter admitted that the MahaRERA project registration no. and Quick Response (QR) Code for the aforesaid project were not incorporated in the said advertisement dated 26/03/2024 due to



a mistake on part of the Printing agency. The Promoter further submitted that the flyers/ brochures of the aforesaid project had been scrapped out at the time of realization of the mistake. The Promoter sought an apology and assured that henceforth, project registration no. and 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 provision of section 11(2) of the RERA which reads as under:

***"11(2) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."***

8. 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:

**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



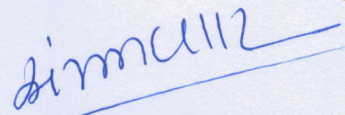
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- may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- under Section 63 of the Act shall be imposed upon promoters for each such violation.
9. In the present case, the Promoter had released advertisement through Flyer/Brochure, in Nagpur dated 26/03/2024 in regard to its real estate project "Ozen City " situated at Nagpur without including/incorporating MahaRERA project registration no. and 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 MahaRERA project registration no. and the Quick Response (QR) Code of the said real estate project in the said advertisement.
  10. Henceforth, it becomes manifestly clear that the Promoter stands in violation of Section 11(2) of the Act-2016 and MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 for not including/incorporating MahaRERA Project registration Number and the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement respectively.
  11. In view of the above, a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 61 of the Act-2016 for violation of section 11(2) of the Act-2016 and 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.
  12. 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.
  13. 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.

14. With the above directions, the present case stands disposed of.

  
(Sanjay Bhimanwar)

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