

**SUO MOTU ADVERTISEMENT
CASE NO. 122 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 122 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Parmar Properties

(Channel Partner of Rising Sun Impex Pvt. Ltd.)

.... Respondent/Promoter

Agent Registration No. A51900001659

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared for the Respondent.

ORDER

24th November 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 22.09.2023 to the Respondent above named for issuing an advertisement on Instagram Platform in respect of Rising Sun Impex Private Limited's real estate project, "**Midtown Bay**" registered with MahaRERA under project registration no. P51900030390, situated at Mumbai City without incorporating the QR code in the said advertisement.
2. The Respondent, through its written submission dated 03.10.2023, stated that the said advertisement in question is an old advertisement. The Respondent further clarified that as soon as they received the MahaRERA guidelines requiring the inclusion of the QR code, they promptly revised the advertisement. The Respondent also stated that screenshot of the revised advertisement was annexed to the written submission.
3. The Respondent, in the preceding hearing dated 13.10.2023, failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Respondent.

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4. In this regard, a second hearing was scheduled on 24.11.2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter could appear through its representative and make its submissions.
5. During the aforementioned proceedings, the Respondent, once again failed to appear even though the notice of hearing and link for the hearing was duly served upon the Respondent.
6. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46B/2023 dated 21.08.2023 read with MahaRERA Order No. 46/2023 dated 29.05.2023 which reads as under:

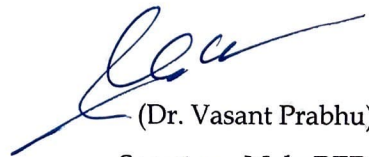
"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed in MahaRERA Order No. 46/2023 dated 29.05.2023."

"MahaRERA Order No. 46/2023 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 application. 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."

7. From the plain reading of the above-mentioned orders, the real estate agent is under obligation to incorporate the QR code of the registered project into any promotions or advertisements.
8. Although the Respondent had made necessary changes to the advertisement annexed to the written submission, the advertisement was different from the said advertisement received by MahaRERA.

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9. Therefore, in the present case, the Respondent had published an advertisement on Instagram Platform. However, the Respondent failed to incorporate the MahaRERA QR code in the said advertisement.
10. Consequently, it is evident that the Respondent is in contravention of Order No. 46B/2023 dated 21.08.2023 read along with MahaRERA Order No. 46/2023 dated 29.05.2023.
11. In view of the above a penalty of Rs. 50,000/- is imposed upon the Respondent under Section 65 of the RERA for violation of MahaRERA Order No. 46B/2023 dated 21.08.2023 read along with MahaRERA Order No. 46/2023 dated 29.05.2023.
12. The said penalty shall be payable by the Respondent 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 Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.
14. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)

Secretary, MahaRERA