

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY  
AUTHORITY, PUNE  
SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.151 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Sagar Constructions

.... Respondent

'Nakshatra'

**MahaRERA Project Registration No.P51600033692**

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

Appearance :- C.A. Mr. Paresh

**ORDER**

5<sup>th</sup> January, 2024

(Through Video Conferencing)

1. MahaRERA Authority has issued show cause notice, dated 17.11.2023 to the respondent-promoter for publishing advertisement in daily newspaper "Maharashtra Times" on 22.10.2023 in respect of real estate project "Nakshatra" situated at Sainagar, Panchwati, Nashik without registering the same with MahaRERA and thereby violating the provisions of Section 3 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016").
2. The respondent-promoter has submitted his reply on 21.12.2023. The respondent has contended that upon receipt of commencement certificate, it has applied for registration of the said project and has received the registration certificate No. P51600033692. The respondent has further contended that it has obtained full occupancy certificate from Nashik Municipal Corporation dated 12<sup>th</sup> December, 2023. It has been further contended by the respondent in his reply that upon obtaining the Certificate of Registration, it has caused the advertisement, dated 22<sup>nd</sup> Oct. 2023 published in the newspaper "Maharashtra Times". However, due to oversight the project registration number along with QR Code could not

be added/inserted in the said advertisement and the same was published in the advertisement inadvertently.

3. The show cause notice though issued for violation of provision of Section 3 of the Act, 2016, as it has come in the reply of the respondent that the said project has been registered with MahaRERA, but the project registration number and QR Code has not been inserted in the impugned advertisement, the cognizance of violation of Section 11(2) of the Act, 2016 and the breach of MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023 is required to be taken into consideration in the matter.

4. C.A. Mr. Paresh appeared on behalf of the Respondent-promoter. He has submitted that the said project is already completed and received O.C. from Competent Authority. However, he voluntarily admits that the project registration number and QR Code has not been inserted in the impugned advertisement due to oversight. C.A. Mr. Paresh has requested for leniency while imposing penalty on the ground that the promoter is facing acute financial crunches.

5. At this juncture, section 11(2) of the Act, 2016 is relevant in this matter, which reads as under:

**Sec-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."**

6. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project in the advertisement issued by him. In this matter, admittedly, the respondent-promoter has not provided project registration number in the advertisement of this project published by him.

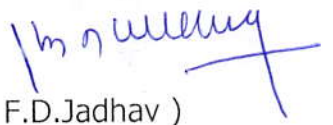
It unequivocally indicates that he has contravened the provision of Section 11(2) of the Act, 2016.

7. MahaRERA has issued Order No.46/2023, dated 29.05.2023 and issued some directions in respect of QR Code viz. (i) the promoter shall prominently display the QR Code on each and every project promotion/advertisement published after 1<sup>st</sup> August, 2023, (ii) the QR Code must be published in a manner that is legible, readable and detectable with the software application and (iii) the QR Code must be published beside the MahaRERA Registration number. The mediums for display QR Code are also described in the said Order. MahaRERA has also issued Order No.46A/2023, dated 25.07.2023 thereby prescribed the amount of penalty for violation of the directions issued in the MahaRERA Order No. 46/2023.
8. In this matter, it can be seen from the advertisement itself that the project registration number as well as QR Code has not been displayed in the said advertisement. Also the respondent has voluntarily admitted in his reply that the project registration number and QR Code has not been inserted in the impugned advertisement by virtue of oversight. Therefore, considering the evidence adduced on record, the legal provisions as well as Orders issued by MahaRERA Authority to that effect and the voluntary admission by the respondent-promoter manifestly proves that this promoter has violated the provision of Section 11(2) of the Act, 2016 as well as directions of the MahaRERA Authority issued under Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 in the matter.
9. Considering the facts, of this case, documentary evidence produced by the respondent, *vis-a-vis* law discussed hereinabove, it can be said the charges leveled against the respondent in respect of Section 11(2) and QR Code are proved and therefore, this is a fit and suitable case to impose penalty against the respondent-promoter under Section 61 and 63 of the



Act, 2016. However, considering the fact that already occupancy certificate has been received by the respondent-promoter of this project, lenient view ought to be taken in this matter, as prayed by the promoter therefor.

10. In view of the above, the penalty of Rs.15,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for committing violation of Section 11(2) of the Act, 2016.
11. Further penalty of Rs.15,000/- under Section 63 of the Act, 2016 is imposed upon the promoter for committing breach of the MahaRERA Order No. 46/2023 read with 46A/2023.
12. The said penalty shall be payable by the promoter within 15 days from the date of this order, failing which promoter shall be liable to penalty of Rs.500/- per day (for each count), in addition, till the realization of entire amount.
13. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.

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