

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.152 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Divyaamrit Construction India Pvt.Ltd.

.... Respondent-Promoter

'Amrit Mall'

**MahaRERA Project Registration No. P51100049117**

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

**Appearance :-** Mr. Roshan Singh, M.D., A.R. for Respondent

**ORDER**

5<sup>th</sup> 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 Lokmat, dated 24.10.2023 in respect of Real Estate Project "Amrit Mall" situated at Opp. SGGs Engineering College, Nanded-Latur Road, Nanded registered with MahaRERA Project Registration No. P51100049117 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 05.12.2023 and thereby admitted non-inclusion of QR Code in the impugned advertisement. The respondent has contended that he has mentioned the RERA Project registration number in the advertisement, but he forgot to mention the QR Code. It has been further contended by the respondent in his reply that as the advertisements are repeated, the same advertisement

that he used before the order, dated 25.07.2023 had been used for paper advertisement on 24.10.2023 due to which he forgot to mention the QR Code.

3. Mr. Roshan Singh, M.D. of the respondent-promoter appeared as A.R. on behalf of the Respondent-promoter. He has reiterated the contentions raised out by the respondent-promoter in his reply. He has submitted that the advertisement used for publication by the promoter prior to the MahaRERA Order, dated 25.07.2023, has been used in the impugned advertisement however, the RERA number has been mentioned in the said advertisement. He urged for lenient view for imposing penalty.
4. Considering the unequivocal admission of the Respondent/Promoter in respect of advertisement issued in respect of the Real Estate Project "Amrit Mall" 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 "1<sup>st</sup> 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/Catalogues/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, 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 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.

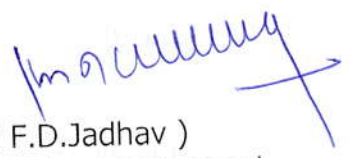
7. It can be seen from the record that the respondent has voluntarily admitted the violation of the directions issued by MahaRERA vide Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023 by him. Therefore, on the face of record itself, there is clear contravention of the aforesaid MahaRERA Orders on the part of the respondent-promoter. It palpably 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. Considering that the RERA 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.15,000/- 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