

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.165 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Piyush Ashok Bedmutha

.... Respondent-Promoter

'Arohi Heights

**MahaRERA Project Registration No. P49900033970**

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

**Appearance :-** C.A. Mr. Pratik Kejariwal

**ORDER**

2<sup>nd</sup> 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 Lokmat, dated 05.11.2023 in respect of Real Estate Project "Arohi Heights" situated at Near Poddar International School, Jalgaon, registered with MahaRERA Project Registration No. P49900033970 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 short reply dated 14.12.2023 and thereby admitted non-inclusion of QR Code in the impugned advertisement by virtue of oversight on his part. The respondent has contended that it was never his intention to hide any information regarding the project from the public at large or to deviate from the regulatory guidelines.

3. C.A. Mr. Prakash Kejariwal appeared on behalf of the Respondent-promoter. He has reiterated the contentions raised out by the respondent-promoter in his reply. He has submitted that there was no any intention on the part of the promoter to hide the details of the project and the said error has been occurred due to oversight. He however, admits that the advertisement was published without displaying the QR Code.
4. Considering the unequivocal admission of the Respondent/Promoter in respect of advertisement issued in respect of the Real Estate Project "Arohi Heights" 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.

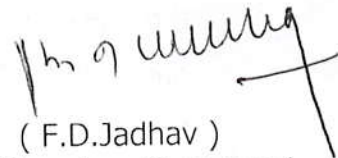
b) Failure to comply with (a) above shall be construed as violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend upto Rs.50,000/- subject however to a minimum penalty which shall not be less than Rs.10,000/- under Section 63 of the Act shall be imposed upon 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.

8. 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.

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