

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO.167 OF 2023**

MahaRERA on its own Motion Complainant

Versus

United Buildcon Respondent

'Manthan Park'

MahaRERA Project Registration No.P51100026409

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

Appearance :- Mr. Atul Dhoot, A.R.

ORDER

2nd January, 2024
(Through Video Conferencing)

1. MahaRERA Authority has issued show cause notice, dated 28.11.2023 to the respondent-promoter for publishing advertisement in daily newspaper "Lokmat" on 24.10.2023 in respect of real estate project "Manthan Park" situated at Pawadewadi Naka Road, Nanded registered with MahaRERA under Project Registration Number P51100026409 without mentioning the said project registration number as well as Quick Response (QR) Code of the said Real estate project in the said advertisement, and thereby violating Section 11(2) of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016") and MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.
2. The respondent-promoter has submitted his reply on 05.12.2023. The respondent has contended in his reply that they have mentioned RERA Registration number in the advertisement at the top and the QR Code at the bottom of the said advertisement. According to them, they have complied with all the orders and directions issued by MahaRERA in

regards to the advertisement. The promoter has lastly requested in the said reply not to levy any penalty on him in the matter.

3. Mr. Atul Dhoot, A.R. appeared on behalf of respondent. He has reiterated all the contentions made out in the reply filed by the respondent. According to him, RERA registration number has been shown at the top of the advertisement, which can easily be seen. He has further specifically mentioned that QR Code was also displayed at the bottom of the advertisement. As such according to him, there is no violation on the part of the respondent-promoter. The A.R. on behalf of the promoter however, urged to impose minimum penalty in case this Authority comes to the conclusion that this respondent has contravened the Order No. 46/2023 regarding QR Code.

4. 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."

5. 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. Perused the impugned advertisement. It contains RERA Registration number of the said real estate project at the top of the advertisement.

6. After zooming the advertisement, the RERA registration number can be noticed at the top of the advertisement. It explicitly indicates that there is specific mentioning of RERA registration number in the impugned advertisement at the top of the advertisement. Consequently, it can be said that there is no violation on the part of the respondent-promoter in

regards to the publishing of RERA registration number in the advertisement. Therefore, it can be said that the promoter has not breached the requirement of RERA registration number as envisaged under Section 11(2) of the Act, 2016.

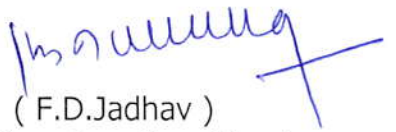
7. So far as regards to the QR Code, the respondent-promoter has averred that he has published the QR Code at the bottom of advertisement as required under MahaRERA Order No.46/2023. In Order No.46/2023 some directions have been issued in respect of QR Code viz. (i) the promoter shall prominently display the QR Code on each and every project promotion/advertisement published after 1st 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.

8. In this matter, it can be seen from the advertisement itself that the QR Code has been displayed in the said advertisement. However, on minutely examination/verification of the said QR Code, it is found that the QR Code displayed in the advertisement is not the QR Code which has been provided by the MahaRERA Authority to the promoter. It means, the promoter has displayed different and incorrect QR Code other than the QR Code which is provided by MahaRERA Authority to him. Needless to state, it is incumbent on the part of the promoter to display proper and genuine QR Code, which has been given to him by the MahaRERA Authority. The registration certificate dated 01.04.2023 manifestly indicates that this respondent had received the QR Code from MahaRERA on 01.04.2023. But he has not displayed said QR Code in the advertisement. The reason behind it is best known to the promoter only. As the promoter has failed to display the proper/correct QR Code which has been provided by the MahaRERA Authority to him and since the promoter has displayed different and incorrect QR Code, the object and purpose of issuance of directions under Order No.46/2023 would not be served. In other words, it can be put in plain language that this promoter has violated the directions of

the MahaRERA Authority issued under Order No.46/2023, dated 29.07.2023 read with Order No.46A/2023, dated 25.07.2023 in the matter.

9. In view of above, it can be safely inferred that by publishing the said advertisement by mentioning the MahaRERA Registration Number in the impugned advertisement, the respondent-promoter has not violated the provision of Section 11(2) of the Act, 2016 as the registration number appears at the top of the advertisement. But by not displaying the proper/correct and genuine QR Code provided to him by MahaRERA Authority, the respondent-promoter has breached the directions issued by MahaRERA Authority under Order No. 46/2023, dated 29.05.2023 read with Section 25.07.2023.
10. Considering the facts, evidence adduced on record by the respondent, *vis-a-vis* law discussed hereinabove, it can be said that there is no prima facie evidence to prove the charges under Section 11(2) of the Act, 2016. So there is no penalty against this promoter under Section 11(2) read with Section 61 of the Act, 2016. However, the documentary evidence on record clearly proved beyond reasonable doubt that the promoter has committed breach of the MahaRERA Order No. 46/2023 read with 46A/2023, and thus this is a fit and suitable case to impose penalty against him under Section 63 of the Act, 2016.
11. In view of the above, the penalty of Rs.10,000/- 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 30 days from the date of this order, failing which promoter shall be liable to penalty of Rs.500/- per day, 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