

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.142 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

Gangotree Greenbuild

.... Respondent-Promoter

Projects-

1. Pooja Nivas P52100014775

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

Appearance :- Shri.Rajendra Awate, Partner present.

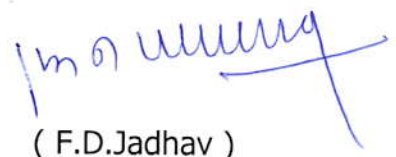
ORDER

26th December, 2023
(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 08.11.2023 to the respondent-promoter calling for publishing advertisement through Pamphlet in respect of Real Estate Project " Pooja Nivas" situated at Katraj Pune registered with MahaRERA Project Registration No. P52100014775 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 in MahaRERA 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 14-11-2023 and stated that the pamphlets wherein advertisement was published were old one and they have already started to use new pamphlets with QR code. The respondent has apologized for the advertisement without QR code and requested not to take any penal action against him.

3. Considering the admission of the Respondent/Promoter in respect of advertisement issued by the promoter by circulating pamphlets of the Real Estate Project "Pooja Nivas" without QR code, it can be said that the charges leveled against the Respondent/Promoter have been clearly proved. Shri.Rajendra Awate Partner, appeared before this Authority and admitted specifically that they have circulated the pamphlets of this project without QR code. However he prayed for leniency while imposing the penalty in this matter under Section-59 of the Act 2016.
4. MahaRERA Authority has issued order No. 46/2023 in respect of displaying of QR code in promotion/advertisement material relating to Real Estate Projects registered with MahaRERA. The MahaRERA Authority has given some directions under the said order viz. promoter shall prominently display QR code on each and every project for promotion/advertisement publishing after 1st August, 2023 etc. In this matter the Respondent/Promoter has un-hesitantly admitted in respect of violation of QR code in the advertisement. According to the promoter he has circulated old pamphlets of the advertisement wherein no QR code were published. In fact, after coming into force of provisions of QR code i.e. 1st August, 2023, this promoter/respondent ought not to have used old pamphlets wherein no QR code was published. Considering the specific admission of the Respondent/Promoter it can be said that the charges leveled against him in this matter are proved beyond doubt. As such it can be said that the Respondent/Promoter has breached the provisions of QR code in the matter. Consequently the provisions of Section-63 of the Act, 2016 has to be invoked in this matter for the purpose of imposing penalty against this promoter for the violation of QR code.
5. In view of above the penalty of Rs.25,000/- is imposed upon the Respondent/Promoter under Section-63 of the Act, 2016 for violation of MahaRERA order No.46/2023 read with MahaRERA order No.46A/2023.

6. The said penalty shall be payable by the Respondent/Promoter within 15 days from the date of this order, failing which a further penalty of Rs.250/- per day, in addition, would be imposed on the respondent till the realization of entire amount.
7. 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