

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 24 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

N.G. Rathi Estate

.. Respondent-Promoter

Project - Madhuban

MahaRERA Project Registration No.P52100034755

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

Appearance :- Respondent Absent

ORDER

19th March, 2024

(Through Video Conferencing)

1. MahaRERA has issued a show cause notice to the respondent-promoter calling upon him as to why penal action should not be taken against him under Section 61 and 63 of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as the 'Act, 2016) for publishing advertisement of the aforesaid registered real estate project in daily newspaper "Lokmat", dated 06.01.2024 wherein MahaRERA Project Registration Nos. and Quick Response (QR) Code were not included, and thereby violating the provisions of Section 11(2) of the Act, 2016 and the directions issued by the Maharashtra Real Estate Regulatory Authority under MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. In response to the show cause notice, dated 23.01.2024, the respondent-promoter has filed his reply dated 30.01.2024 thereby contended that one of local advertisement agency contacted respondent at the eleventh hour and requested the promoter to give one advertisement for the said

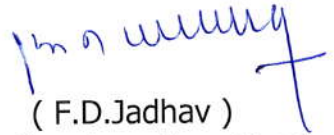
edition as a compliment from promoter's side. It has been further contended by the respondent in his reply that accordingly, promoter had given advertisement of said Madhuban project, which is duly registered with MahaRERA, wherein the promoter had conveyed the details of said RERA Project to the Advertising Agency. It has been further contended by the respondent that thereafter the Newspaper published the advertisement without printing RERA Registration Number of said project in the said edition, due to miscommunication amongst us in a hurry as the request to publish the advertise present to the promoter at the eleventh hour. The respondent further has contended that in the said advertise the MahaRERA QR Code and website address of the said project clearly and categorically published by which the said project, and its details can be clearly identified, accessible and searched by any person or intending purchaser. The respondent has also contended that there was no any other intention to avoid the RERA number in the said advertisement, rather he had given the same but due to above mentioned reason it could not mention and type in the same.

3. The notice of hearing was served upon the respondent through email. Sufficient opportunity of being heard was given to the respondent. However, the respondent-promoter choose to remain absent for the hearing scheduled in the matter, for the reasons best known to him. Therefore, this matter was posted today for passing order.
4. At this juncture, in the first instance it is necessary to discuss the violation on the part of the respondent-promoter under Section 11(2) of the Act, 2016. In this background, it is necessary to go through Section 11(2) of the Act, 2016 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. It is the case of the respondent-promoter that he has given the advertisement of his aforesaid real estate project with all its details to the local edition of the said newspaper as a compliment on the request made by the said newspaper at the eleventh hour however, the said newspaper agency published the advertisement without printing RERA Registration number. This defence of the respondent itself denotes his admission that there was no RERA number published in the advertisement. Considering his admission to the fact stated hereinabove, it can be said that it has been sufficiently proved the violation on the part of promoter regarding Section 11(2) of the Act, 2016.
6. It can also be seen that the impugned advertisement also does not contain the QR Code of the aforesaid real estate project. According to the respondent in the said advertisement the MahaRERA QR Code and website address of the said project was clearly and categorically published. However, the QR Code allegedly displayed in the said advertisement is not the QR Code which has been issued by MahaRERA for the said real estate project. It is different QR Code and it will no way assist homebuyers to get project related information easily. Besides this QR Code was not published besides the MahaRERA Registration number and website address. In view of this, it can be said that there is abundant proof to show that this promoter has violated the order issued by MahaRERA regarding QR Code. The contentions of the respondent mentioned hereinabove therefore, cannot be accepted.
7. In view of above, by publishing the said advertisement in question without mentioning MahaRERA Real Estate Project registration number and without including QR Code, manifestly shows that there is violation of Section 11(2) of the Act, 2016 as well as directions issued in the MahaRERA Order No.46A, dated 25.07.2023 read with MahaRERA Order No.46, dated 29.05.2013 by the respondent. As such, the respondent-promoter is liable for the breach of aforestated provisions of law.

10. In view of the above, penalty of Rs.25,000/- under Section 61 of the Act, 2016 is imposed upon the respondent-promoter for violation of Section 11(2) of the Act, 2016.
11. Further Penalty of Rs. 25,000/- is also imposed under Section 63 of the Act, 2016 on the respondent-promoter for violation of the directions issued by the MahaRERA Authority by Order No.46A/2023, dated 25.07.2023 read with Order No.46/2023, dated 29.05.2023.
12. Both the said penalties shall be payable by the respondent within 15 days from the date of this order, failing which respondent shall be liable to penalty of Rs.250/- 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 the respondent-promoter for extension, corrections, change of name, etc. with respect to the said project.


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