

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

SUO MOTU ADVERTISEMENT CASE NO. 13 OF 2024

MahaRERA on its own Motion Complainant

Versus

Ashray Association of Persons Respondent/ Promoter

MahaRERA Project Registration No. - P50500054409

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

CA Akash Pinjani appeared for the respondent/ promoter.

ORDER

21st March 2024

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D) Act 2016 (hereinafter called as " Act 2016"). The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act, 2016 by the promoter and to impose penalty under section-61 of the Act, 2016 for contravention of section-11(2) of the Act, 2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act, 2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from

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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, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.

3. The MahaRERA authority had issued a show cause notice dated 13/02/2024 to the promoter above named for publishing an advertisement dated 04/02/2024 in the Daily Hitavada, Cityline Newspaper, Nagpur without including the Quick Response (QR) Code, in regard to the project "Ashray Apartments" bearing MahaRERA registration no. P50500054409 situated at Kamtee road, Nagpur.
4. The promoter, by reply dated 21/03/2024 to the said show cause notice dated 13/02/2024 had submitted that due to inadvertent mistake, the QR code for the aforesaid project was not included in the aforesaid advertisement. The Promoter further submitted that the omission of QR code for the aforesaid project in the aforesaid advertisement was unintentional and not to defraud anyone or affect public interest.
5. In this regard, a first hearing was scheduled on 28/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and sought time to file its written submissions. Accordingly, the next hearing was scheduled on 07/03/2024 when the promoter remained absent even though the notice of hearing and the link for the hearing was duly served upon the promoter. In compliance with the principle of natural justice, the matter was adjourned to the next date of the hearing. Accordingly, the next hearing was scheduled on 21/03/2024 when the promoter appeared through its representative and made its submissions.
6. During the hearing, the promoter admitted that the Quick Response (QR) Code for the aforesaid project was not included in the said advertisement published in the Daily Hitavada, Cityline Newspaper, Nagpur dated 04/02/2024 due to inadvertent mistake on part of Promoter. The promoter further assured

that henceforth the Quick Response (QR) Code will be mentioned/incorporated in all the advertisements.

7. In this regard, it is necessary to pursue the provision of section 11(2) of the RERA which reads as under:

"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."

8. In this regard, it is also necessary to pursue the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

MahaRERA Order No. 46/2023 dated 29.05.2023 -The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software applications. The QR code must be published besides the MahaRERA Registration Number and the Website Address. The mandate as mentioned above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority.


MahaRERA Order No. 46A/2023 dated 25.07.2023 – (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. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend up to 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.

9. In the present case, the Promoter had released a quarter page advertisement of aforesaid project in Daily Hitavada, Cityline Newspaper, Nagpur dated 04/02/2024

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without including the Quick Response (QR) Code. However, it has been established that the Promoter failed to incorporate/mention the Quick Response (QR) Code of the aforesaid project within the aforesaid advertisement.

10. Henceforth, it becomes manifestly clear that the Promoter stands in violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 for not incorporating the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.
11. In view of the above, a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 63 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
12. The said penalty shall be payable by the promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
13. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
14. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

**Dy.Secretary,
MahaRERA,Nagpur.**