

**SUO MOTU ADVERTISEMENT
CASE NO. 114 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 114 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Anshul Amish Shah

....Respondent

MahaRERA Agent Registration No. A51800022450

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent.

ORDER

14th August 2024

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 22.03.2024 to the Respondent above named for issuing an advertisement on a pamphlet distributed through Bombay Times Newspaper dated 16.02.2024 in respect of a real estate project namely "Ruparel Stardom" situated at Malad West, without incorporating the MahaRERA Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Respondent, in spite of having received the show cause notice dated 22.03.2024 have failed to show cause to the same within the stipulated time period.
3. In the preceding hearing dated 29.04.2024, the Respondent submitted that they had not received the show cause notice issued by MahaRERA. Further, the Respondent asserted that the said advertisement was published to generate leads for Malad West locality and not to promote any specific project.
4. Upon considering the submissions of the Respondent, it was thereby directed to resend the said show cause notice issued by MahaRERA to the Respondent once again.

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5. In compliance with the directions issued in the preceding hearing, the said show cause notice issued by MahaRERA was resent via email to the Respondent's registered email id on 09.07.2024.
6. In this regard, a hearing was scheduled on 26.07.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Respondent can appear through its representatives and make its submissions.
7. However, during the aforementioned hearing, the Respondent failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Respondent.
8. In this regard, it is necessary to peruse the provisions of Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017; MahaRERA Order No, 46/2023 read with MahaRERA Order No. 46B/2023, which reads as under: which reads as under:

"14(2) Every registered real estate agent shall quote his number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed in MahaRERA Order No. 46/2023 dated 29.05.2023."

"MahaRERA Order No. 46/2023 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 application. The QR code must be published besides the MahaRERA registration number and the website address. The mandate as mentioned

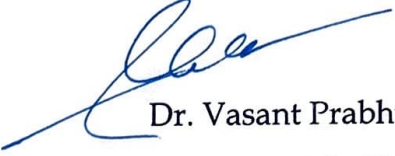
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above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority."

9. From the plain reading of the above-mentioned sections, the real estate agent is under obligation to mention the project registration number and the QR code of the said real estate project in the said advertisement issued by it.
10. In the present case, the Respondent had published an advertisement on a pamphlet distributed through Bombay Times Newspaper dated 16.02.2024. However, the Respondent had failed to incorporate the project registration number and QR code in the said advertisement.
11. Henceforth, it becomes manifestly clear that the Respondent stands in violation of Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No.46B/2023 dated 21.08.2023.
12. In view of the above a penalty of Rs. 25,000/- is imposed upon the Respondent under Sections 65 of the RERA for violation of the provisions of Rule 14(2) of the Act and for violation of MahaRERA Order No.46/2023 dated 29.05.2023 read with Order No.46B/2023 dated 21.08.2023.
13. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.

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14. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA