

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

SUO MOTU ADVERTISEMENT CASE NO. 23 OF 2024

MahaRERA on its own Motion

.... Complainant

Versus

Yash Infraventures

.... Respondent/ Promoter

MahaRERA Project Registration No. - P50500055105

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

CA Aditya Gautam appeared for the respondent/ promoter.

ORDER

11th July 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 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

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promoters for each such violation.

3. The MahaRERA authority had issued a show cause notice dated 16/04/2024 to the Promoter above named for publishing an advertisement dated 15/03/2024 in the Hello Nagpur-Lokmat, Daily Newspaper, without including the Quick Response (QR) Code, in regard to the project **"Anjaneya Crest"** bearing MahaRERA registration no. **P50500055105**, situated at Ajani Square, Nagpur.
4. The promoter, by reply dated 20/04/2024 to the said show cause notice dated 16/04/2024 had submitted that there was an inadvertent human error on the part of the advertisement agency due to which the QR code for the aforesaid project remained to be published in the aforesaid advertisement. The Promoter further submitted that the concerned advertisement agency had sought an apology for not incorporating the QR code for the said real estate project.*
5. In this regard, the first hearing was scheduled on 02/05/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter appeared through representative and made its submissions. The matter was adjourned to the next date of the hearing for written submission. Accordingly, the next hearing was scheduled on 07/06/2024 and 11/07/2024, when the promoter appeared through its representative and made its submissions.
6. During the hearing, the Promoter submitted the Quick Response (QR) Code for the aforesaid project was not incorporated in the said advertisement published in the Hello Nagpur-Lokmat, Daily Newspaper dated 15/03/2024 due to human error on the part of the advertisement agency. The Promoter further assured that additional measures would be taken to prevent such occurrence and henceforth, MahaRERA Project registration Number, MahaRERA Website Address and the Quick Response (QR) Code will be mentioned/incorporated properly in all the advertisements published by it.

7. In this regard, it is necessary to peruse 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.

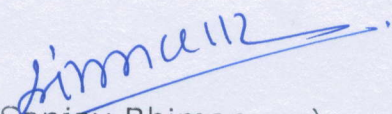
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 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.

8. In the present case, the Promoter had released a full-page advertisement in the Hello Nagpur-Lokmat, Daily Newspaper dated 15/03/2024 without including the Quick Response (QR) Code, in regard to the project **"Anjaneya Crest"** bearing MahaRERA registration no. **P50500055105**, situated at Ajani Square, Nagpur. The promoter had published the said advertisement through the advertisement agency. Although the advertisement has been published by the advertisement agency but being

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the ultimate beneficiary of advertising its aforesaid project "**Anjaneya Crest**", the onus lies on the Promoter only. Therefore, the Promoter is held vicariously liable for the act of its advertisement agency for not including the Quick Response (QR) Code of the said real estate project in the aforesaid advertisement. Hence, it has been established from the submission of the Promoter and documents on record that the Promoter has failed to include /incorporate the Quick Response (QR) Code of the said real estate project in the said advertisement.

9. 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 including/incorporating the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.
10. In view of the above, a penalty of Rs. 10,000/- 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.
11. 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.
12. 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.
13. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

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