

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY  
AUTHORITY, NAGPUR  
SUO MOTU ADVERTISEMENT CASE NO. 25 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Vision Infra and Mahalaxmi  
Aedificators Private Limited  
Shri.Sanjay G.Kashikar  
(Mahalaxmi Group)

.... Respondent/ Promoter

**MahaRERA Project Registration No. -P50500051377**

**P50500052279;P50500053716;  
P50500053128;P50500053049;  
P50500053169; P50500053609**

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

Mr. Rahul Jagdish Bondre appeared for the respondent/ promoter.

**ORDER**

11<sup>th</sup> 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.



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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 promoters for each such violation.
3. The Advertising Standards Council of India had issued an intimation letter dated 20/05/2024 to the Promoter above named for issuing an advertisement on Website namely "  
<https://mahalaxmidevelopers.com/mahalaxmi-nagar-20/> "  
<https://mahalaxmidevelopers.com/mahalaxmi-nagar-30/>  
Link: <https://mahalaxmidevelopers.com/mahalaxmi-nagar-31/>  
Link: <https://mahalaxmidevelopers.com/mahalaxmi-nagar-34/> dated 03/05/2024 in regard to their real estate project "Mahalaxmi Nagar-20/29/30/31/34" registered with MahaRERA under project registration number P50500051377; P50500052279; P50500053716; P50500053128; P50500053049; P50500053169; P50500053609 situated at Nagpur without incorporating MahaRERA registration Number, MahaRERA Website Address and the Quick Response (QR) Code of the said real estate project in the said advertisement.
4. The Promoter, in spite of having received the intimation letter dated 20/05/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
5. The Promoter, however, by its written submission dated 05/07/2024 and 10/07/2024 to the hearing dated 27/06/2024 submitted that the aforementioned projects had already been registered with MahaRERA



under Mahalaxmi group. The Promoter further submitted that the MahaRERA registration Number, MahaRERA Website Address and the Quick Response (QR) Code for all the aforementioned projects had also been mentioned in the aforesaid advertisement. However, in case of Mahalaxmi Nagar 20 bearing MahaRERA registration Number P50500051377 wherein the QR code for Mahalaxmi Nagar 29 bearing MahaRERA registration Number P50500052279 was incorporated by mistake in place of Mahalaxmi Nagar 20 in the aforesaid advertisement.

6. In this regard, a hearing was scheduled on 27/06/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared 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 11/07/2024 when the Promoter appeared through its representative and made its submissions.
7. During the hearing, the promoter submitted that the MahaRERA registration Number, MahaRERA Website Address and the Quick Response (QR) Code of the all said real estate projects have been mentioned in the said advertisement published on 03/05/2024 on Website of Mahalaxmi Group. except in Mahalaxmi Nagar-20 bearing MahaRERA registration Number P50500051377 wherein the QR code for Mahalaxmi Nagar 29 bearing MahaRERA registration Number P50500052279 was incorporated by mistake in place of Mahalaxmi Nagar 20 in the aforesaid advertisement. The Promoter sought an apology and assured that the mistake would be rectified at the earliest. The Promoter further assured that henceforth the Quick Response (QR) Code will be mentioned/incorporated properly in all the advertisements.
8. 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."***

9. In this regard, it is also 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.

10. **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.

11. In the present case, the Promoter had published the Website advertisement dated 03/05/2024 of Mahalaxmi Nagar-20/29/30/31/34 registered with MahaRERA under project registration number P50500051377; P50500052279; P50500053716; P50500053128;



P50500053049; P50500053169; P50500053609 situated at Nagpur without incorporating MahaRERA project registration number, MahaRERA Website Address and the Quick Response (QR) Code of the said real estate projects in the said advertisement.

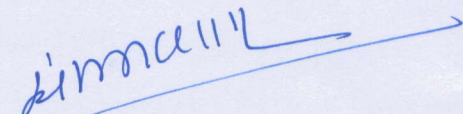
12. In this regard, however, after scrutinizing the Advertisement links for the aforementioned real estate projects and from the documents on record, it appears that the MahaRERA registration number, MahaRERA Website Address and the Quick Response (QR) Code for the said real estate projects namely Mahalaxmi Nagar-29/30/31/34 have been mentioned in the said advertisement. Hence, in regard to the real estate project Mahalaxmi Nagar-29/30/31/34 registered with MahaRERA under project registration number P50500052279; P50500053716; P50500053128; P50500053049; P50500053169; P50500053609, the Promoter is not in violation of Section 11(2) of the Act-2016 and 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 MahaRERA project registration number, MahaRERA Website Address and the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.
13. Further, in regard to the real estate project-Mahalaxmi Nagar 20 bearing MahaRERA project registration number P50500051377, it appears that the website advertisement link displays MahaRERA project registration number and MahaRERA Website Address but does not display the QR (Quick Response code) for the said real estate project in the said advertisement. Thus, the Promoter failed to incorporate correct QR code for the impugned real estate project in the impugned advertisement.
14. Hence, in regard to the real estate project-Mahalaxmi Nagar 20 bearing MahaRERA project registration number P50500051377, the Promoter does not stand in violation of Section 11(2) of the Act-2016 for not including/ incorporating the MahaRERA project registration number and MahaRERA Website Address of the aforementioned project in the aforesaid advertisement but stands in violation of MahaRERA Order No. 46/2023



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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.

15. Henceforth, in regard to the project -Mahalaxmi Nagar-20 bearing registration number P50500051377, 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.
16. 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.
17. 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.
18. 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.
19. With the above directions, the present case stands disposed of.

  
(Sanjay Bhimanwar)  
**Dy.Secretary,  
MahaRERA,Nagpur.**