

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 27 OF 2024**

MahaRERA on its own Motion Complainant
Versus
Golden Homes Infrastructures Respondent/ Promoter

MahaRERA Project Registration No. - P50500050049

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

Mr. Yash Agrawal 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 promoters for each such violation.

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3. The Advertising Standards Council of India had issued an intimation letter dated 30/05/2024 to the Promoter above named for issuing an advertisement on Digital Property Portal -Advertisement Link: <https://housing.com/buy-golden-vista-by-golden-homes-infrastructures-in-besa-nagpur-maharashtra-pid-91963?fltcnt=c3be9de0-8b8b-4112-9a4a-76e915ba22a6> dated 15/05/2024 in regard to their real estate project "Golden Vista" registered with MahaRERA under project registration number P50500050049 situated at Nagpur without incorporating 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 30/05/2024 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 08/07/2024 to the hearing dated 27/06/2024 submitted that MahaRERA Website Address and the QR code for the aforesaid project had mistakenly been omitted by the marketing team in aforesaid advertisement. The Promoter further submitted that the RERA website details have now been updated on its website and on all digital platforms.
6. In this regard, a first 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 through its 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 11/07/2024 when the Promoter appeared through its representative and made its submissions.
7. During the hearing, the Promoter admitted that MahaRERA Website Address and the Quick Response (QR) Code of the said real estate project has not been mentioned in the aforesaid Digital Portal Property advertisement

published on 15/05/2024. The Promoter sought an apology and assured that the mistake was unintentional and without any malafide intention. The Promoter further assured that henceforth the Quick Response (QR) Code will be mentioned/incorporated properly in all the advertisements published by it.

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

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11. In the present case, the Promoter had published the Website advertisement dated 15/05/2024 of Golden Vista registered with MahaRERA under project registration number P50500050049 situated at Nagpur without incorporating MahaRERA Website Address and the Quick Response (QR) Code of the said real estate project in the said advertisement.
12. In this regard, it has been established that from the submission of the Promoter and the documents on record that the Promoter failed to incorporate MahaRERA Website Address and the OR code for the said real estate project.
13. Henceforth, it becomes manifestly clear that the Promoter stands 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 incorporating the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.
14. In view of the above a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 61 for violation section 11(2) of the Act-2016 and 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.
15. 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.
16. 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.
17. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

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