

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 33 OF 2024**

MahaRERA on its own Motion Complainant
Versus
1.Shri.Govinda Buildcon(Govinda Group) Respondent/ Promoter
2. S.K.Properties Builders & Developers..... Respondent/ Agent

MahaRERA Project Registration No. - P50500053340

MahaRERA Agent Registration No. - Unregistered

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

CA Deepak Zambani appeared for the respondent/ promoter.

No one appeared for the respondent/ Agent.

ORDER

22nd October 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.

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 33 OF 2024**

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 (ASCI) had issued an intimation letter dated 22/04/2024 to the Promoter and Agent above named for issuing an advertisement on Facebook namely"
<https://www.facebook.com/photo/?fbid=392417423298249&set=a.182567174283276>
<https://www.facebook.com/photo/?fbid=853457803454294&set=a.615054550627955>
dated 15/12/2024 & 17/12/2024 in regard to their real estate project "Keshavam Heights" situated at Amravati which contains the Quick Response (QR) Code of the said real estate project, but it is not detectable.
4. The Promoter and the agent, in spite of having received the intimation letter dated 23/04/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
5. In this regard, a first hearing was scheduled on 09/07/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the respondent/agent appeared and sought time to file its written submissions whereas the promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter. Accordingly, in compliance with the principle of natural justice, the matter was adjourned to the next date of the hearing ie. on 05.09.2024, when the Promoter appeared through its representative and submitted that the aforesaid agent is not its authorized /appointed

agent and impugned advertisement was published without its permission. The promoter was directed to initiate legal action against the said agent. Accordingly, the promoter has served legal notice dated 14/09/2024 to the said agent and furnished the copy of the same to MahaRERA authority. In this regard, the next hearing was scheduled on 22/10/2024, when the Promoter appeared through its representative and made its submissions whereas the respondent/agent remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter. However, the respondent/agent submitted by its written reply dated 22.10.2024 that the impugned advertisement has been withdrawn. The respondent agent further assured that it will remain committed to full compliance with MahaRERA regulations.

6. During the hearing, the respondent/promoter submitted that the impugned advertisement dated 15/12/2023 and 17/12/2023 published on Facebook page of some unknown agent who is not its authorized agent. The promoter further submitted that the impugned advertisement was published without its permission and hence, as per direction of the MahaRERA authority, a legal notice has been served to the said agent. The Promoter further submitted that the said person has sent a reply to its legal notice and admitted the mistake on its part. The Promoter further submitted that the said agent has removed the impugned advertisement from social media.
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:

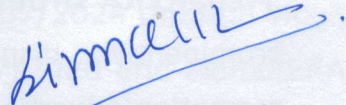
MahaRERA Order No. 46/2023 dated 29.05.2023 -The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software applications. The QR code must be 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.

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 33 OF 2024**

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 an advertisement of the aforesaid project on its Facebook page dated 15.12.2023 & 17.12.2023 which contains QR (Quick Response) code, but it is not detectable. In this regard, it appears from the submission of the Promoter and the documents on record, that the said advertisement has been published by the person/respondent/agent who is not its authorized /appointed agent and against which legal action has already been initiated. In view of this, the Promoter cannot be held liable for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.

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


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