

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

SUO MOTU ADVERTISEMENT CASE NO. 37 OF 2024

MahaRERA on its own Motion Complainant

Versus

1.Amber Builders and Developers.... Respondent/ Promoter

MahaRERA Project Registration No. - P50300024763

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

CA Manish Kushlani appeared for the respondent/ promoter.

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.
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

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 37 OF 2024**

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 24/04/2024 to the Promoter and Agent above named for issuing an advertisement on Instagram namely "

<https://www.instagram.com/p/C47MoYdoZUR/> and

https://www.instagram.com/p/C1jKg_NIVtH/

dated 01/01/2024 & 25/03/2024 in regard to their real estate project "Amber Park" bearing MahaRERA registration number-P50300024763 situated at Amravati which contains the Quick Response (QR) Code of the said real estate project, but it is not detectable which is considered to be prima facie in violation of MahaRERA regulations.

4. The Promoter, in spite of having received the intimation letter dated 24/04/2024 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, 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 i.e. on 05.09.2024, when the Promoter appeared through its representative and made its submission. The matter was adjourned for written submission. Accordingly, the Promoter, by its written statement dated 18/09/2024 submitted that the aforesaid advertisement contains the QR(Quick Response) code of the said project but as it is not readable, the said

impugned advertisement has been removed from digital platform and thereby complied the queries raised by the 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

6. During the hearing, the respondent submitted that the impugned advertisement dated 01/01/2023 & 25/03/2024 published on Instagram has been removed from the digital platform and complied the MahaRERA regulations. The Promoter sought an apology and further assured that the outmost care would be taken while incorporating the QR(Quick Response) code. The Promoter further submitted that the as the impugned advertisement has already been removed and complied with MahaRERA regulations, no penal action should be initiated against the Promoter.
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:

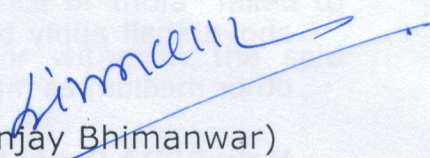
MahaRERA Order No. 46/2023 dated 29.05.2023 -The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software applications. The QR code must be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

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 37 OF 2024**

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 Facebook dated 01.01.2024 & 25.03.2024 which contains the Quick Response (QR) 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 contains the MahaRERA project registration number, MahaRERA website address and QR (Quick Response) code of the said real estate project. However, the QR (Quick Response) code of the said real estate project incorporated in the impugned advertisement is not readable/detectable which is prima facie in violation of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023. However, the Promoter has already removed the said advertisement from the digital platform and thereby complied with the MahaRERA regulations. Further, it appears that the part occupancy certificate dated 21/03/2023 issued by the Amravati Municipal corporation, Amravati for the aforesaid project has already been uploaded on MahaRERA website. Hence, in view of the above, the present matter is not fit to consider for violation of MahaRERA regulations.
9. In view of the above, the present case stands closed.


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