

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 45 OF 2024**

MahaRERA on its own Motion Complainant
Versus
Shrikrupa Land Developers Respondent/ Promoter

MahaRERA Project Registration No. - P50500046678

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

Ms.Sonali Samare appeared for the respondent/ promoter.

ORDER

12th November 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

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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 10/07/2024 to the Promoter above named for issuing an advertisement on Digital Property portal-Housing.com namely " <https://housing.com/buy-shrikrupa-gayatri-nagari-by-shrikrupa-group-in-nagalwadi-nagpur-maharashtra-pid-318938>" dated 02/07/2024 in regard to their real estate project "Gayatri Nagari" registered with MahaRERA under project registration number P50500046678 situated at Nagalwadi, Hingna, Nagpur without incorporating 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 10/07/2024 from the "Advertising Standards Council of India" (ASCI) failed to comply with MahaRERA regulation and modify or withdraw the said advertisement. And hence, the ASCI had referred the said matter to MahaRERA, Nagpur for initiating the suo-motu complaint/proceeding against the Promoter/respondent for disposal according to law.
5. In this regard, the MahaRERA authority, Nagpur had sent a hearing notice to the Promoter above named for attending the virtual hearing dated 29/08/2024 at 2:30pm.
6. Accordingly, a first hearing was conducted on 29.08.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter. In compliance with the principle of natural justice, the matter was adjourned to the various dates of the hearing such as 22.10.2024 when the promoter remained absent even though the notice of hearing and the link for the hearing was duly served upon the promoter. Hence, the matter was adjourned to the next hearing dated 12.11.2024 when the promoter appeared through representative and made its submission.

7. During the hearing, the promoter through representative admitted that the said advertisement dated 02.07.2024 was published on digital property portal without including the Quick Response Code (QR code) of the aforesaid project. The Promoter further submitted that he was not issued with the QR code of the aforesaid project and has no knowledge of downloading it and hence, published the advertisement without incorporating the Quick Response Code(QR code) of the aforesaid project in the said advertisement.

8. 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.

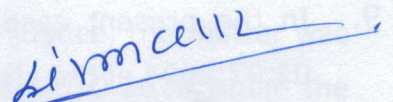
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023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

9. In the present case, the Promoter had released an advertisement dated 02.07.2024 of the aforesaid project on digital property portal without including the Quick Response (QR) Code. The Promoter during the scheduled hearing admitted that the impugned advertisement was published without

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incorporating the QR code of the aforesaid project as he was not issued with QR code and has no knowledge of downloading it. It appears from the impugned advertisement and the submission of the Promoter that the Promoter failed to incorporate/mention the Quick Response (QR) Code of the aforesaid project within the aforesaid advertisement. Although the promoter does not know the procedure to download the QR code of the said project provided by MahaRERA, the promoter, as per the legal principle, "*ignorantia juris non exusat*", cannot avoid its liability merely by claiming they were unaware of it. Hence, the promoter is held liable for not incorporating the Quick Response (QR) Code of the aforesaid project within the aforesaid advertisement.

10. 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 incorporating the Quick Response code (QR code) of the aforementioned project in the aforesaid advertisement.
11. In view of the above, a penalty of Rs. 15,000/- 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.
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.**