

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 40 OF 2024**

MahaRERA on its own Motion Complainant
Versus
Shourya Realtors Respondent/ Promoter

MahaRERA Project Registration No. - P50400026202

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

Adv.Jayesh Hariramani appeared for the respondent/ promoter.

ORDER

5th March 2025

(Through Video Conferencing)

1. 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.
2. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 24/06/2024 to the Promoter above named for issuing an advertisement on digital property portal namely 99acres.com with link <https://www.99acres.com/shourya-sai-villa-karanja-wardha-npxid-r369395>

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO 40 OF 2024**

dated 13/06/2024 in regard to their real estate project "Sai Villa" bearing MahaRERA registration number-P50400026202 situated at Karanja, Wardha without including the Quick Response (QR) Code of the said real estate project which is considered to be prima facie violation of MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023.

3. The Promoter, in spite of having received the intimation letter dated 24/06/2024 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.
4. In this regard, the first hearing was scheduled on 29/08/2024 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. Hence, in compliance with the principles of natural justice, the matter was adjourned to next dates i.e.22/10/2024,12/11/2024 and 07/02/2025, 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 this regard, the next hearing was scheduled on 14.02.2025, when the promoter appeared through its representative and sought 15 days for written submission. Accordingly, the promoter, by its written reply dated 27/02/2025, had submitted that the show cause notice/hearing notice dated 29/08/2024 issued by MahaRERA, Nagpur office was baseless and had no legal grounds supporting the impugned advertisement. The Promoter further submitted that the "Advertising Standards Council of India" had never issued any intimation letter dated 24/06/2024 in regard to the impugned advertisement. In this regard, the next hearing was scheduled on 05/03/2025, when the promoter appeared through its representative and made its submission.

5. During the hearing, the respondent/promoter vehemently argued that the Advertising Standard Council of India had never sent any intimation letter in regard to the impugned advertisement dated 13/06/2024 published on 99acres.com nor provided any kind of evidence or supporting documents in respect of alleged breach of advertisement regulations. The promoter further submitted that as he stays in rural parts of Nagpur and hence, does not understand or access such kind of communications.

6. 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.

7. In the present case, the Promoter had released an advertisement of the aforesaid project on 99acres.com dated 13/06/2024 without including the Quick Response (QR) Code. In this regard, it appears that the Advertising Standards Council of India (ASCI) had registered a Suo-Motu complaint


**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO 40 OF 2024**

against the Promoter above named for publishing an impugned advertisement dated 13/06/2024 on digital property portal and issued an intimation letter dated 24/06/2024 to the aforesaid promoter and the said digital property portal as well and directed to modify or withdraw the said advertisement within the period mentioned and to comply with MahaRERA regulation. Further, it appears that the aforesaid Promoter, in spite of having received the intimation letter dated 24/06/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement within the period mentioned in an intimation letter dated 24/06/2024. However, it appears from the documents on record that the digital property portal - 99acres.com had replied to ASCI and in CC to Shourya Realtors vide email dated 29/07/2024 that the registration certificate does not contain the Quick response code. Further, from the written submission dated 27/02/2025 and documents on record, it appears that the promoter was in knowledge of the show cause notice/hearing notice dated 29/08/2024 issued by the MahaRERA authority, Nagpur wherein it was clearly mentioned that ASCI had issued the intimation letter dated 24/06/2024 to the above named promoter in regard to the impugned advertisement dated 13/06/2024 and also in regard to the violation of MahaRERA regulations, its failure to comply with MahaRERA regulation and modify or withdraw the said advertisement. However, the Promoter above named remained silent on it and failed to make any kind of communication to MahaRERA, Nagpur, ASCI and 99acres.com as well. Also, the promoter above-mentioned remained absent frequently in the scheduled hearings even though the notice of hearing and the link for all the hearing was duly served upon the promoter. On this background, the promoter's written submission dated 27/02/2025 has no legal standing/merits. In view of this, it has been held that the Promoter has failed to comply with MahaRERA regulations in regard to impugned advertisement. Hence, 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

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO 40 OF 2024**

aforementioned project in the aforesaid advertisement.

8. In view of the above a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 63 of the Act -2016 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
9. 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.
10. With the above directions, the present case stands disposed of.



(Sanjay Bhimanwar)

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