

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

SUO MOTU ADVERTISEMENT CASE NO. 44 OF 2024

MahaRERA on its own Motion Complainant

Versus

Radheshyam Dnyanabharao Davhale Respondent/ Promoter

MahaRERA Project Registration No. - P52300024847

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

Mr.Manjit Paygahvan appeared for the respondent/ promoter.

ORDER

14th February 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 25/06/2024 to the Promoter above named for issuing an advertisement on Digital Property Portal

<https://www.makaan.com/beed/ashtvinayak-group-jijau-park-in-wadvani-3270759> dated 18/06/2024 in regard to their real estate project "Jijau Park" bearing MahaRERA registration number-P52300024847 situated at Beed without including/incorporating the MahaRERA website address and the Quick Response (QR) Code of the said real estate project.

3. The Promoter, in spite of having received the intimation letter dated 25/06/2024 from the "Advertising Standards Council of India" 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 the hearing was duly served upon the promoter. In compliance with the principle of natural justice, the matter was adjourned to the next date of the hearing, i.e. on 22.10.2024, when the Promoter appeared and made its submission. The matter was adjourned with the direction to file a written reply within 07 days. However, the promoter failed to file its written reply. The next hearing was scheduled on 07.02.2025, when the Promoter appeared through its representative and made its submission.
5. During the hearing, the Promoter submitted that the impugned advertisement dated 18.06.2024 was published on makaan.com without its consent.
6. 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."

7. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA registration number of the project as well as MahaRERA website address prominently in the advertisement of the project issued by him. 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.

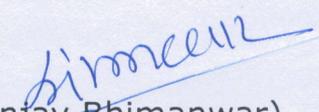
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023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

8. In the present case, the Promoter had released an advertisement of the aforesaid project on Digital Property Portal dated 18.06.2024 without including/incorporating the MahaRERA website address and the Quick Response (QR) Code of the aforesaid project. After perusing the impugned advertisement dated 18/06.2024, it appears that the impugned

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advertisement does not contain MahaRERA website address and QR (Quick Response) code of the said real estate project. The Promoter neither communicated to the digital portal website nor withdrawn or modified the impugned advertisement. Also, the aforesaid promoter did not file its written reply.

9. Henceforth, it becomes manifestly clear that the Promoter stands in violation of section 11(2) of 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 /including the MahaRERA website address and the Quick Response (QR) Code of the aforesaid project in the aforesaid advertisement.
10. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under Section 61 and section 63 for violation of section 11(2) of Act-2016 and MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
11. 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.
12. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

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