

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

SUO MOTU ADVERTISEMENT CASE NO. 12 OF 2024

MahaRERA on its own Motion

.... Complainant

Versus

Navin Subhedar Nagari Sah.Pat.Santha Maryadit...Respondent/
Promoter

MahaRERA Project Registration No. - P50500013935

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

Mr.Anil Mule appeared for the respondent/ promoter.

ORDER

28th February 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

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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 MahaRERA authority had issued a show cause notice dated 06/02/2024 to the promoter above named for publishing an advertisement dated 26/01/2024 in the Daily Tarun Bharat, Newspaper, Nagpur without including the Quick Response (QR) Code, in regard to the project "**Shriram Niwas Yojna II**" bearing MahaRERA registration no. **P50500013935**, situated at Wanjari Nagar, Medical Square, Nagpur.
4. The promoter, by reply dated 16/02/2024 to the said show cause notice dated 06/02/2024 had submitted that the aforesaid project was completed by 2017 itself and Form 4 and Form 5 dated 21/08/2019 were also uploaded on MahaRERA website. The Promoter further submitted that he was not aware of the provision of QR code of the MahaRERA and whether QR code was applicable or not to the aforesaid project.
5. In this regard, a hearing was scheduled on 28/02/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
6. During the hearing, the Promoter submitted that the Quick Response (QR) Code for the aforesaid project was not included in the said advertisement dated 26/01/2024 in the Daily Tarun Bharat, Newspaper, Nagpur as the Promoter was not aware of the QR code provision of the MahaRERA and its applicability. The promoter further submitted that the aforesaid project is completed by 2017 and Form 4 and 5 are also uploaded on MahaRERA website.
7. In this regard, it is necessary to pursue 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."

8. In this regard, it is also necessary to pursue the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

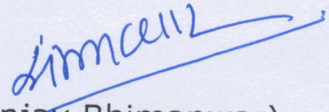
MahaRERA Order No. 46/2023 dated 29.05.2023 -The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software applications. The QR code must be 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 a small size advertisement dated 26/01/2024 of aforesaid project in the Daily Tarun Bharat, Newspaper, Nagpur without incorporating /mentioning the Quick Response code (QR Code) for the aforesaid project. However, it has been established that the aforesaid project is completed, and Form 4 and Form 5 dated 21/8/2019 are uploaded on MahaRERA website.

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10. Hence, the Promoter is not 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, the present case stands closed.


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