

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.88 OF 2023**

MahaRERA on its own Motion Complainant
Versus
Hinjawadi Infradevelopment Pvt.Ltd.
'ECO HOMES HINJAWADI PHASE 3 ' Respondent

MahaRERA Project Registration Nos.(1) P52100026429, (2) P52100046679, (3) P52100024680, (4) P52100013714, (5) P52100030732 & (6) P52100016395.

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Adv. Priyanka Ghadge for respondent.

ORDER

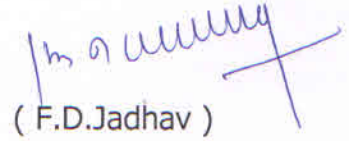
7th Nov., 2023

(Through Video Conferencing)

1. The present matter has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing advertisement of his aforesaid real estate projects in social media "Instagram" without including Quick Response (QR) Code, and thereby violated the directions issued by the MahaRERA Authority under MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. In pursuance of the aforesaid advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the Real Estate (R & D) Act, 2016 (hereinafter called as "Act 2016"), dated 26.04.2023 and 24.08.2023 show cause notice, dated 31.08.2023 has been issued to the respondent-promoter calling upon him as to why necessary action should not be taken against him for imposing penalty under Section 63 of the Act, 2016 for the violation of not displaying to QR Code in the advertisement published by the promoter in the social media "Instagram".

3. Promoter has filed its reply, dated 06.09.2023. It has been contended by the promoter that after receiving the notice, they immediately contacted to their advertisement agency and asked them to rectify the error on the urgent basis and the concerned advertisement agency has immediately rectified the error on the same day. In this background, the respondent-promoter has prayed not to take any penal action under Section 63 of the Act, 2016.
4. Learned Adv. Priyanka Ghadge appeared on behalf of the respondent-promoter. Though in the reply filed by the promoter, it has been denied that promoter has violated the directions issued under Order No.46/2023 and 46A/2023, it has been voluntarily admitted by Adv. Ghadge that the promoter is accepting the charges leveled against him in this matter. She has also submitted that this promoter is ready to pay the penalty to be imposed in this matter.
5. Taking into consideration the voluntary, unequivocal and specific admission by the Adv. Ghadge on behalf of promoter, it can be said that the charges of publishing advertisement on "Instagram" of the project without the QR Code has been proved and therefore, the promoter is liable for penalty prescribed under Section 63 read with Order No. 46A/2023, dated 25.07.2023 and Order No.46/2023, dated 29.05.2023.
6. In view of above, the penalty of Rs.25,000/- is imposed upon the respondent-promoter under Section 63 of the Act 2016 for violation of directions issued by MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.
7. The aforesaid penalty shall be payable by the respondent-promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs.250/- per day, in addition, would be imposed till realization of entire amount.

8. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any application by the respondent-promoter for extension, corrections, change of name etc., with respect to the said project.



(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune