

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 81 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

RGS Realty LLP

... Respondent-Promoter

NAME OF THE PROJECT – RGS Forte.

Maharera Real Estate Project Registration No. P52100034443

Appearance :- Mr.Jitendra Udasi and Mr. Hrushikesh Ransing
A.R. for Respondent-Promoter

ORDER

02nd July, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from "Facebook", which does not contain **MahaRERA Website Address** and **QR Code is not Detectable** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 06.01.2025** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than January **15, 2025**.
2. Since the respondent has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.

3. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No. MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, show cause notice was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.
4. The respondent-promoter in response to the said show cause notice, filed his say dated 14.05.2025 and contended that the omission of the MahaRERA website address and undetectable QR Code in the advertisement was purely inadvertent and unintentional and taken corrective action and removed the post from the facebook. Lastly, the respondent prayed for leniency while deciding the case on merit.
5. Perused the impugned advertisement. It does not contain MahaRERA website address, as mandated under Section 11(2) of the RERA. Section 11(2) of RERA is reproduced hereunder.

"Section 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."
6. Heard Hrushikesh Uttam Ransing for the Respondent-Promoter. He reiterated the contentions raised out by the respondent in his say. Respondent voluntarily admitted that the impugned advertisement does not contain MahaRERA Website address and the Quick Response Code (QR CODE) is not detectable with software application.
7. Considering the advertisement on record, evidence produced in the case, voluntary admission in the reply of promoter and the aforesaid legal provision, this Authority is of the opinion that the impugned advertisement

published without containing MahaRERA website address means there is clear violation of the provision of Section 11(2) of the RERA, on the part of the respondent-promoter. Therefore, I have no hesitation to invoke the penal provision under Section 61 of RERA in the present case.

8. Perusal of the impugned advertisement also reveals that QR Code is not detectable. MahaRERA Authority has issued Office Order No. 46/2023, dated 29.05.2023, which directs the promoter to display the QR Code prominently on each and every real estate project promotion/advertisement and it must be published in a manner that is legible, readable, and detectable with software application besides the MahaRERA Registration Number and the Website address. MahaRERA Authority has noticed that the MahaRERA QR Code is not being displayed correctly in terms of the aspect ratio and positioning in advertisement/promotions issued by promoters/agents and also the MahaRERA registration number and website address are not clearly visible due to small font sizes and light colour usage and observed that such practices undermine the objective of transparency and consumer protection as mandated under the Act. Therefore, recently Order No. 46 C / 2023, dated 08.04.2025 has been issued by the Authority directing every promoter and registered real estate agents that the font size of the MahaRERA registration number and website address in advertisements/promotions and prospectuses, as the case may be, shall be equal to or larger than the font size used for the project's contact details and address and it shall be placed in the top-right quadrant of the advertisement/promotions in a colour that ensures high visibility. MahaRERA Authority by the said order also directed that the QR Code shall be displayed correctly, maintaining its aspect ratio and positioning in the top-right quadrant of the advertisement.

9. In the impugned advertisement QR Code was not detectable with software application and it clearly indicates that there is breach of the directions issued by MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023. MahaRERA Authority has further issued directions vide Order No.46A/2023, dated 25.07.2023, whereby penalty which may be extended up

to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- is to be imposed under Section 63 of the Act, 2016 against the promoter who fails to comply with the directions issued by MahaRERA Order No.46/2023.

10. Considering the advertisement on record, evidence produced in the case, voluntary admission in the reply of promoter and the aforesaid legal provision, this Authority is of the opinion that the impugned advertisement published without containing MahaRERA website address and QR Code was not detectable with software application, there is clear violation of the provision of Section 11(2) of the RERA and breach of the directions issued vide MahaRERA Order No. 46/2023, dated 29.05.2023 on the part of the respondent-promoter. MahaRERA has further issued directions vide MahaRERA Order No.46A/2023, dated 25.07.2023, whereby penalty which may be extended up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- is to be imposed under Section 63 of the Act, 2016 against the promoter who fails to comply with the directions issued by MahaRERA Order No.46/2023. Therefore, I have no hesitation to invoke the penal provision under Section 61 and Section 63 of RERA in the present case.
11. Considering the fair admission given by the respondent-promoter, this Authority thinks it fit to show leniency while imposing penalty against the promoter.
12. Penalty of Rs.10,000/- under Section 61 of the Act, 2016 has been imposed against the respondent-promoter for violation of Section 11(2) of the RERA Act, 2016.
13. Further Penalty of Rs.10,000/- under Section 63 of the Act, 2016 has been imposed against the respondent-promoter for breach of the directions issued vide MahaRERA Order No. 46/2023, dated 29.05.2023.

14. The aforesaid penalty shall be payable by the respondent within 15 days from the date of enforcing penalty, failing which respondent shall be liable to penalty of Rs.1000/- per day, in addition, till the compliance.
15. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.
16. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter is disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE