

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.105 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

AAKAR BUILDCON

'AAKAR NAKSHTRA'

.... Respondent

MahaRERA Project Registration No.P51600031703

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

Appearance :-Mr. Anand Ganore, A.R. for respondent.

ORDER

2nd November, 2023

(Through Video Conferencing)

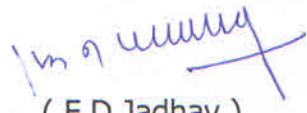
1. The present case has been initiated by MahaRERA suo-motu against the respondent-promoter for publishing advertisement of his project "AAKAR NAKSHTRA" in the daily newspaper "Maharashtra Times", dated 13.08.2023 wherein the respondent-promoter has not included Quick Response (QR) Code, thereby violating the direction issued by the Maharashtra Real Estate Regulatory Authority under MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46-A, 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") vide No. MahaRERA/Secy/SCN/1142/2023, dated 24.08.2023, show cause notice, dated 07.09.2023 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 read with MahaRERA Order

No.46/2023, dated 29.05.2023 and MahaRERA Order No.46-A, dated 25.07.2023.

3. Notice of hearing dated 26.09.2023 was issued to the respondent-promoter directing him to attend virtual hearing, dated 13.10.2023. On 13.10.2023 respondent remained absent and therefore, matter was adjourned to 19.10.2023. On 19.10.2023, Mr. Anand Ganore, A.R. for the respondent-promoter appeared and matter was adjourned for filing reply and documents to 02.11.2023. In the meanwhile, the respondent-promoter has filed his reply, dated 31.10.2023 wherein he has contended that the impugned advertisement was published wrongly without QR Code by the appointed advertisement agency, the schedule of the advertisement already fixed with the agency, and they published the advertisement as per schedule date.
4. Heard Mr. Anand Ganore, A.R. for respondent. He has reiterated the contentions raised by the respondent-promoter in his reply. Mr. Ganore admitted to have issued the impugned advertisement without including QR Code and prayed for leniency.
5. It has come on record that the respondent-promoter has issued the impugned advertisement in the website without including the QR Code. The directions were issued by the MahaRERA under Order No.46/2023, dated 29.05.2023 read with Order 46A, dated 25.07.2023 that the promoter shall prominently display Quick Response (QR) Code on each and every project promotion/advertisement published after 1st August, 2023, the QR Code must be published in a manner that is legible, readable and detectable with software application and the QR Code must be published besides the MahaRERA Registration number and the website address. The mandate as mentioned in clause (a) above shall apply to the mediums of promotion/advertisement mentioned thereunder. The first medium shown thereunder is Advertisements on Newspaper/Magazines/Journals, etc., which is relevant in the matter. By

not including the QR Code in the impugned advertisement, the respondent-promoter has clearly violated the directions issued by the MahaRERA.

6. Thus taking into consideration the aforesaid facts on record as well as law and admission by respondent-promoter for publishing the impugned advertisement, this is a fit case to impose penalty under Section 63 of the Act, 2016 for violation of the Order No. 46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 issued by the MahaRERA.
7. In view of above, the penalty of Rs.20,000/- is imposed upon the promoter under Section 63 of the Act 2016 for violation of MahaRERA order No.46/2023 read with MahaRERA Order No. 46A/2023.
8. The said penalty shall be payable by the 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 the realization of entire amount.
9. 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.


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