

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.128 OF 2023**

MahaRERA on its own Motion Complainant
Versus
Prabhav Realty & Infrastructure Pvt.Ltd.
'PARK BELLAGIO' Respondent

MahaRERA Project Registration No.P51600033061

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

Appearance :- Mr. Sachin Gaykar, A.R. for Respondent

ORDER

17th Nov., 2023

(Through Video Conferencing)

1. MahaRERA Authority had issued show-cause notice to the respondent-promoter for publishing advertisement in a daily newspapers (1) Navbharat Times", (2) "Maharashtra Times" and (3) "Times of India" dated 26.08.2023 in respect of real estate project "Park Bellagio" situated at Igatpuri, District Nashik registered with MahaRERA under Project Registration No.P51600033061 without including the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Respondent-Promoter has submitted his reply on 15.09.2023. He has submitted in his reply that in their newspaper advertisement, MahaRERA's Quick Response (QR) Code was not embossed due to some technical error. Due to technical error, the advertisement in newspapers (1) Navbharat Times", (2) "Maharashtra Times" and (3) "Times of India" were published in respect of the project "Park Bellagio" at Igatpuri, Nashik without QR Code and they will take care that the QR Code of the project will be properly embossed in the advertisement in future. The Respondent-Promoter has lastly prayed for not imposing penalty in the matter as the act was done inadvertently first time.

3. MahaRERA Authority has issued Order No.46/2023 in respect of display of QR Code in promotion/advertisement material relating to real estate projects registered with MahaRERA. The MahaRERA Authority has given some directions under the said order, which are as follows :-

(a) The promoter shall prominently display Quick Response ("QR") Code on each and every project promotion/advertisement published after "1st August, 2023".


(b) The QR Code must be published in a manner that is legible, readable, and detectable with software application.

(c) 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 therein. The first medium has been shown as advertisement of newspaper/magazines/journals, etc. Later on, MahaRERA has issued another Order No. 46A/2023, dated 25.07.2023. In this order also, the Authority has given some directions in respect of QR Code. Clause (b) thereunder is in respect of penalty against the violation of QR Code, 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 the promoter for each such violation.

4. Mr. Sachin Gaykar, A.R. appeared on behalf of the respondent-promoter. He has also admitted that due to technical error QR Code has not been displayed in the advertisement published by the respondent-promoter in the newspapers (1) Navbharat Times", (2) "Maharashtra Times" and (3) "Times of India" in respect of project "Park Bellagio" at Igatpuri, Nashik. A.R. Shri Gaykar for the respondent-promoter has submitted that this is first violation of the respondent-promoter and therefore, he prayed for leniency while imposing penalty in the matter.

5. The Respondent-promoter has unhesitantly admitted the fact in his reply that in the advertisement published by promoter regarding this project the QR Code was not displayed. The A.R. Shri Gaykar appeared for the respondent-promoter has also admitted the same fact. Considering the voluntary admissions by the respondent-promoter, it is evident that respondent has failed to display the QR Code in the advertisement which was mandatory as per the Order issued by MahaRERA Authority vide Order No.46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023. Admission of promoter regarding violation itself manifestly prove that the respondent-promoter has violated the provision enshrined under Order No. 46/2023 and 46A/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