

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 45 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Shubh Developers
'Shubh Gateway'

.... Respondent

MahaRERA Project Registration No.P52100018200

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

Appearance :- C.A.Mr. Sachin Sharma

ORDER

19th April, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter dated 26.02.2024 to the respondent-promoter for publishing advertisement on website <https://www.shubhdevelopers.com/shubh-gateway.html> of a real estate project "Shubh Gateway" at Pune without incorporating the QR code number and MahaRERA website address of the said real estate project in the said advertisement.
2. The respondent-promoter in spite of the service of intimation letter from ASCI, failed to comply with the MahaRERA Rules and Regulations within the statutory period mentioned therein. Therefore, notice of hearing was served to the respondent-promoter for virtual hearing dated 12.04.2024.
3. The respondent-promoter has submitted his reply on 14.04.2024. The respondent has contended that he has not received any such intimation from Advertisement Standards Council of India. It is further

contended by the respondent that he sincerely apologize for this mistake and assure that it was not intentional. The respondent has further contended that he faced a technical glitch that led to the omission of RERA numbers from the advertisement.

4. C.A. Mr. Sachin Sharma has appeared on behalf of the respondent-promoter. He has reiterated the contentions raised out by the respondent-promoter in his reply. C.A. Mr. Sharma submitted that due to technical glitch the website was not displaying the QR Code and website address of MahaRERA. C.A. Mr. Sharma however, voluntarily admitted the charges leveled in the intimation letter issued by ASCI.

5. At this juncture, section 11(2) of the Act, 2016 is relevant in this matter, which reads as under:

Sec-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. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA Registration number of the project and website address of the Authority in the advertisement issued by him. In this matter, the RERA Registration number of the project of respondent is reflecting in the advertisement, however, admittedly, the website address of the MahaRERA Authority is not reflecting in the advertisement of this project published by the respondent on the said website. It unequivocally indicates that he has contravened the provision of Section 11(2) of the Act, 2016.

7. MahaRERA has issued Order No.46/2023, dated 29.05.2023 and issued some directions in respect of QR Code viz. (i) the promoter shall prominently display the QR Code on each and every project

promotion/advertisement published after 1st August, 2023, (ii) the QR Code must be published in a manner that is legible, readable and detectable with the software application and (iii) the QR Code must be published beside the MahaRERA Registration number. The mediums for display QR Code are also described in the said Order. MahaRERA has also issued Order No.46A/2023, dated 25.07.2023 thereby prescribed the amount of penalty for violation of the directions issued in the MahaRERA Order No. 46/2023.

8. In this matter, it can be seen from the advertisement itself that the website address of MahaRERA Authority as well as QR Code has not been displayed in the said advertisement. Also the respondent has voluntarily admitted in his reply that the website address of MahaRERA Authority and QR Code has not been inserted in the impugned advertisement by virtue of technical glitch in the website of the respondent-promoter. Therefore, considering the evidence adduced on record, the legal provisions as well as Orders issued by MahaRERA Authority to that effect and the voluntary admission by the respondent-promoter manifestly proves that this promoter has violated the provision of Section 11(2) of the Act, 2016 as well as directions of the MahaRERA Authority issued under Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 in the matter.

9. Considering the facts, of this case, documentary evidence produced by the respondent, *vis-a-vis* law discussed hereinabove, it can be said the charges leveled against the respondent in respect of Section 11(2) and QR Code are proved and therefore, this is a fit and suitable case to impose penalty against the respondent-promoter under Section 61 and 63 of the Act, 2016. As this promoter has displayed RERA Registration number and could not inserted the website address and QR Code due to technical flaw, lenient view ought to be taken in the matter while imposing penalty.

10. In view of the above, the penalty of Rs.10,000/- under Section 61 of the Act, 2016 is imposed upon the promoter for committing violation of Section 11(2) of the Act, 2016.
11. Further penalty of Rs.10,000/- under Section 63 of the Act, 2016 is imposed upon the promoter for committing breach of the MahaRERA Order No. 46/2023 read with 46A/2023.
12. The said penalty shall be payable by the promoter within 15 days from the date of this order, failing which promoter shall be liable to penalty of Rs.500/- per day (for each count), in addition, till the realization of entire amount.
13. 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