

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 127 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

1. Majestique Homes LLP

.... Respondent/Promoter

'MAJESTIQUE SIGNATURE TOWERS PHASE-I'

MahaRERA Project Registration No.P52100017133

2. SMC Real Estate Advisors Pvt.Ltd.

.... Respondent/Agent No.1

MahaRERA Real Estate Agent Registration No.A51900000042

3. M/s. Broadleaf Solutions Pvt.Ltd.

.... Respondent/Agent No.2

MahaRERA Real Estate Agent Registration No.A52100037643

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

Appearance :- Adv.Mr. Sandeep Dyma for Respondent-Promoter

Mr. Kashish Bhatiya, A.R. for Respondent-Agent No.1

Mr. Jeevan Wagaskar, A.R. for Respondent-Agent No.2

ORDER

21st Nov., 2023

(Through Video Conferencing)

1. MahaRERA, Pune had issued show-cause notice, dated 21.08.2023 to the Majestique Homes LLP stating therein that the said promoter had issued an advertisement on website viz. <http://broadleafsolutions.in/properties/majestique-landmark/> in respect of real estate project "Majestique Signature Towers Phase-I" situated at Balewadi, Pune registered with MahaRERA under Project Registration number P52100017133 without including Quick Response (QR) Code of the said real estate project in the said advertisement.
2. Promoter has submitted his reply on dated 11.09.2023 stating therein that he has not issued the said advertisement on website <http://broadleafsolutions.in/properties/majestique-landmark/>. The said link

is neither related to the promoter's firm nor related to any their registered agent, which is mentioned at their RERA Project portal website. This promoter has further contended that on observing the link mentioned above and the concerned documents clearly shows that there was mention of one registered real estate agent bearing registration number A51900000042 and after searching on MahaRERA website, it is found that it is belonging to SMC Real Estate Advisors Pvt.Ltd. (hereinafter referred to as "SMC"). It has been further contended by the promoter in his reply that this promoter has issued legal notice to SMC for publishing and advertising their project without their consent and authority. This promoter lastly requested to impose penalty on the registered agent SMC as the said agent has violated the provisions of RERA Act.

3. SMC Real Estate Advisors Pvt. Ltd.(SMC) has submitted its reply to the show cause notice issued by MahaRERA, dated 14.09.2023. According to this agent, the above mentioned link does not belong to SMC and the said link is registered in the name of Broadleaf Solutions Pvt. Ltd. (hereinafter referred to as "Broadleaf"). SMC has further contended that they did not issue such advertisement on the link mentioned above. It is contended by SMC in the said reply that the usage of their MahaRERA Agent Registration No. A51900000042 on the aforementioned link was conducted without their knowledge and consent and this incident appears to have occurred due to malicious and malafide intention of a third party with ulterior motives. SMC has submitted second reply on 09.10.2023 in continuation to the first reply and has stated therein that the advertisement in respect of real estate project "Majestique Signature Towers Phase-I" related to Majestique Homes LLP was available on the link <http://broadleafsolutions.in/properties/majestique-landmark/> and this company shall take necessary legal action against Broadleaf for using the SMC MahaRERA Agent Registration number without their knowledge and consent. Accordingly, SMC sent notice to Broadleaf on 22.09.2023. Broadleaf Solutions vide its reply dated 30.09.2023 to the SMC, agreed that they have used MahaRERA Agent Registration number A51900000042

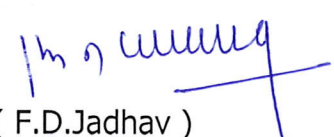
on the advertisement published by them. However, they have further contended therein that they have immediately removed the webpage as soon as they received letter from SMC.

4. MahaRERA Authority has issued Order No.46/2023 on 29.05.2023 in respect of display of Quick Response (QR) Code in promotions/advertisement material relating to real estate project registered with MahaRERA. MahaRERA Authority on 25.07.2023 has issued Order No.46A/2023 in the matter of non-display of Quick Response Code in promotions/advertisement of the real estate project registered with MahaRERA. Further Order No.46B/2023 dated 21.08.2023 has been issued by MahaRERA Authority in respect of QR Code by registered real estate agents in promotions/advertisement material relating to the real estate project registered with MahaRERA. It has been specifically mentioned in the MahaRERA Order No.46B/2023 that the directions issued by the Authority in MahaRERA Order Nos.46/2023 and 46A/2023, dated 29.05.2023 and 25.07.2023 respectively shall mutatis-mutandis apply to all registered real estate agents and the directions mentioned thereunder shall be followed by every real estate agents. Clause (a) of the said direction deals with the QR Code which has to be displayed by the real estate agents prominently on each and every real estate project promotion/advertisement published in the mediums as may be specifically stated in MahaRERA Order No. 46/2023 and clause (b) states that such QR Code published shall be legible, readable and detectable and shall be published besides MahaRERA Project Registration number. Clause (c) deals with failure to comply with clause (a) and (b) above shall be termed as 'violation' of the directions issued by the Authority, which invokes penalty, which may extend up to Rs.50,000/- subject however to minimum penalty which shall not be less than Rs.10,000/- under Section 65 of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as "Act 2016").

5. Advocate Mr. Sandeep Dyma has appeared on behalf of respondent-promoter. Mr. Kashish Bhatiya, A.R. appeared for real estate agent SMC and Mr. Jeevan Wagaskar, A.R. appeared for the real estate agent Broadleaf. Adv. Dyma has submitted that respondent-promoter has not issued the impugned advertisement, and this promoter was not knowing about the said advertisement until the show cause notice received by them. The learned Advocate further submitted that the promoter has not authorized any agent to give such advertisement of their project. Mr. Kashis Bhatiya has submitted that they have not issued the impugned advertisement. According to him, another agent Broadleaf has unauthorisedly and without their consent used their name and registration number while publishing this impugned advertisement. According to him, Broadleaf has used their name and registration number for publishing this impugned advertisement on website <http://broadleafsolutions.in/properties/majestique-landmark/>. Mr. Jeevan Wagaskar has appeared for Broadleaf and admitted that they have used MahaRERA registration number of SMC for giving the impugned advertisement without QR Code. However, according to him, this is his first violation and therefore, prayed for leniency in the matter.

6. It can be seen from the record that Broadleaf has published the advertisement of the project Majestique Signature Towers Phase-I on website without displaying QR Code which was mandatory as per the Order No. 46/2023 and 46B/2023 issued by MahaRERA Authority. SMC had issued notice to Broadleaf in respect of this advertisement without their consent and authorization. Broadleaf has replied to SMC that they have mistakenly used agent registration number of SMC while giving the advertisement. They have also unhesitatingly admitted that the said advertisement was without the display of QR Code of the project. However, according to them, they have removed the said webpage as soon as they received letter from SMC.

7. The voluntary admission of the real estate agent Broadleaf in respect of publishing the advertisement on webpage without QR Code, sufficiently proved that the real estate agent Broadleaf has published the advertisement of the aforesaid project without mentioning the QR Code of the project and thus violated the directions issued by MahaRERA Authority vide Order No. 46/2023 and 46B/2023. As this promoter has no role in publishing this impugned advertisement, he cannot be held liable for the violation of QR Code. Similarly, SMC has also no role in publishing the impugned advertisement without QR Code, therefore, he also cannot be held liable for the violation of QR Code. As the MahaRERA registered agent Broadleaf has voluntarily admitted his mistake of publishing advertisement without QR Code, therefore, he only liable for the breach of Order No.46/2023 and Order No.46B/2023 which invokes penalty under Section 65 of the Act, 2016.
8. In view of above, the penalty of Rs.25,000/- is imposed upon the respondent-agent Broadleaf Solutions Pvt.Ltd. under Section 65 of the Act 2016 for violation of directions issued by MahaRERA Order No.46B/2023, dated 21.08.2023 read with MahaRERA Order No. 46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023.
9. The aforesaid penalty shall be payable by the respondent-agent Broadleaf 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.
10. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any application by the respondent-agent for renewal, corrections, etc. with respect to his registration as real estate agent.


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