

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY**

**CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE**

**SUO MOTU ADVERTISEMENT/PUNE CASE NO. 24 OF 2025**

MahaRERA on its own Motion .... Complainant

Versus

Amit Enterprises Housing Ltd. .... Respondent-Promoter

NAME OF THE PROJECT : "AMITS BLOOMFIELD PHASE III J & K BUILDING"

**MahaRERA Project Registration No.P52100005644**

**Appearance :-**

Adv. Sadhana Mhasawade for Respondent-Promoter

**ORDER**

7<sup>th</sup> MAY, 2025

(Through Video Conferencing)

1. MahaRERA Authority by its Office Order No.MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16<sup>th</sup> January, 2025 has delegated powers to the undersigned to issue show cause notice in case of violation by the promoters under Section 3(1), 11(2) of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as **the RERA**), MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 25.07.2023; and to pass orders on the show cause notice after considering the reply submitted by promoters to show cause notice and after granting personal hearing to promoters; and impose penalty under Section 59, 61 and 63 of the RERA. Powers are also delegated to the undersigned to issue show cause notices and such further notices to the real estate agents for violation by real estate agents of the provision of Section 10(a) of the RERA/or Rule 14 of Maharashtra Real Estate (Regulation and Development)(Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on

website) Rules, 2017 (hereinafter referred to as **the Rules**) and MahaRERA Order No.46B/2023, dated 21.08.2023; to pass orders on the show cause notices as issued after considering the reply submitted by real estate agents to the show cause notice and/or after granting personal hearing to the real estate agents; and to impose penalty under Section 62 of the Act for violation of Section 10(a) of the Act and Rule 14 of the Rules and under Section 65 of the Act for violation of MahaRERA Order No.46B/2023, dated 21.08.2023.

2. The Advertising Standards Council of India (ASCI) has issued an **intimation letter, dated 12.11.2024** to the respondent and thereby informed that the advertisement published by the respondent on **Website** in respect of a real estate project under the name **"AMITS BLOOMFIELD PHASE III – J & K BUILDING"** does not contain **QR Code** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016. ASCI has further directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **NOVEMBER 22, 2024**. Therefore, the present proceeding has been initiated against the respondent-promoter after perusal of the documents referred by ASCI including the impugned advertisement and in delegation of the powers to the undersigned vide the aforesaid Office Order, dated 16.01.2025.
3. On minute perusal of the impugned advertisement, it transpires that it does not contain QR Code. Accordingly, notice of hearing, dated 29.01.2025 was served to the respondent-promoter and opportunity of being heard was given to him.
4. In response to the said notice of hearing, dated 29.01.2025, respondent-promoter has filed his reply, dated 02.04.2025 wherein it has been contended that the landing page for the subject project was created before the issuance of the circular to display the QR Code and it was managed by an external agent. It is further contended by the respondent that due to a conflict and the subsequent impact of the COVID-19 pandemic,

the third party abruptly discontinued their services, leaving the job incomplete and consequently, the respondent-promoter did not have the necessary technology or login credentials to update or modify the landing page. It is further contended that upon receipt of show cause notice, respondent-promoter attempted to contact the concerned party for rectification but were unable to establish their communication and as a result the advertisement remained active unintentionally, and respondent-promoter was unable to coordinate with the agent to have it removed earlier. The respondent-promoter has lastly contended that this was an unintentional and isolated incident that occurred during an unprecedented pandemic, and prayed that no coercive or penal action be initiated against the respondent-promoter.

5. Adv. Sadhana Mhasawade appeared on behalf of respondent-promoter. She has reiterated the contentions raised out by the respondent-promoter in his reply. She has submitted that the said error has been occurred unintentionally. Lastly, Adv. Mhasawade prayed to show leniency while imposing penalty.
6. MahaRERA Order No.46/2023, dated 29.05.2023 directs the promoter to display/publish the QR Code beside the MahaRERA Registration number in a legible, readable and detectable with the software application on each and every project promotion/advertisement published after 1<sup>st</sup> August, 2023 in the mediums described in the said Order.
7. Perused the impugned advertisement. The first defence has been taken by the respondent-promoter that the impugned advertisement was created before the issuance of the circular to display the QR Code. Perusal of the impugned advertisement on record shows that it was picked up by the ASCI on 30.10.2024. The MahaRERA Order No.46/2023 has been issued on 29.05.2023 which clearly attracts the advertisements published after 1<sup>st</sup> August, 2023. The second ground raised by the respondent-promoter that the said webpage was managed by an external agent and during COVID-19

pandemic, the concerned agency abruptly discontinued their services, leaving the job incomplete and consequently respondent-promoter did not have the necessary technology or login credentials to update or modify the said landing page. It is further the contention of the respondent-promoter that he attempted to contact the concerned party for rectification, but was unable to establish communication. This defence/ground taken by the respondent-promoter falsifies by its own further contention that, respondent-promoter took corrective measures and successfully had the landing page deactivated. Moreover, there is no any communication produced on record by the respondent-promoter to show his bonafide efforts/attempts to contact the concerned agency to rectify/modify/removal/deactivation of the impugned advertisement. The defence taken by the respondent-promoter being vague and without any supportive evidence, is not maintainable and cannot be accepted. On the contrary, from the evidence on record, it can be safely inferred that by publishing the impugned advertisement which does not display QR Code beside the MahaRERA Registration number in a legible, readable and detectable manner with the software application, thereby the respondent-promoter has contravened the directions issued by the MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023.

8. MahaRERA Order No.46A/2023, dated 25.07.2023 prescribes the amount of penalty for violation of the directions issued in the MahaRERA Order No. 46/2023, 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 promoters for each such violation.
9. Therefore, I am of the opinion that the charges leveled against the respondent-promoter in the notice of hearing are proved beyond the doubt. Therefore, penal provision under the RERA as mentioned above are to be invoked in this matter.

10. Penalty of Rs.10,000/- under Section 63 of the Act, 2016 has been imposed against the respondent-promoter for contravention of the directions issued by the MahaRERA Authority by Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023.
11. 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.
12. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty imposed upon the promoter before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.

Pune  
Date :- 07.05.2025

(JAYANT B. DANDEGAONKAR)  
DEPUTY SECRETARY, MAHARERA  
PUNE