

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 28 OF 2025

MahaRERA on its own Motion Complainant

Versus

D. K. REALTIES (DHANKAWADE GROUP) Respondent-Promoter

NAME OF THE PROJECT : "CAPELLA"

MahaRERA Project Registration No.P52100051877

Appearance :-

ABSENT

ORDER

7th MAY, 2025

(Through Video Conferencing)

1. MahaRERA Authority by its Office Order No.MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16th 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 **Property Portal** in respect of a real estate project under the name "**CAPELLA**" does not contain **MahaRERA Website Address and 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 MahaRERA website address and 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 neither appeared nor filed any reply during the scheduled hearing dated 11.02.2025, 27.02.2025 and 02.04.2025. As such today the matter is scheduled for passing exparte order in the proceeding.

5. The charge against the respondent is that the impugned advertisement of his subject project published on website did not contain MahaRERA website address and QR Code.

6. Section 11(2) of the Act, 2016 reads as under :-

“Section 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.”

7. Perusal of the impugned advertisement, shows that it does not contain MahaRERA website address, as required under the aforesaid provision.

8. By MahaRERA Order No. 46/2023, dated 29.05.2023, MahaRERA has issued following directions to the promoters.

- The promoter shall prominently display QR Code on each and every real estate 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.
- The QR Code must be published besides the MahaRERA Registration Number and the Website address.

The mediums of the promotion/advertisement have also been described in the said Order.

9. The purpose and object for issuing directions by the MahaRERA Authority by MahaRERA Order No. 46/2023 is to bring greater transparency through disclosure of information on regular basis for public viewing, through

online portal ensuring that maximum required information is available for public viewing in the most feasible manner, thereby empowering homebuyers/allottees to make informed choice/decisions in the ever-changing real estate market.

10. Though sufficient opportunity of being heard was given to the respondent, the respondent has failed to appear and defend the charges leveled against him. Therefore, the charges against the respondent that the impugned advertisement does not contain MahaRERA website address and QR Code remained unchallenged and have been proved.
11. MahaRERA has further issued directions vide MahaRERA Order No.46A/2023, dated 25.07.2023, whereby penalty which may be extended up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- is to be imposed under Section 63 of the Act, 2016 against the promoter who fails to comply with the directions issued by MahaRERA Order No.46/2023.
12. Considering the aforesaid evidence and the impugned advertisement on record, the charges levelled against the respondent-promoter apparently proved and therefore, this is a fit case to impose penalty against the respondent under Section 61 for violation of provision of Section 11(2) of the RERA and also to impose penalty under Section 63 of the RERA for contravention of the directions issued under MahaRERA Order No. 46/2023, dated 29.05.2023 read with Section No.46A/2023, dated 25.07.2023
13. Penalty of Rs.10,000/- under Section 61 of the Act, 2016 has been imposed against the respondent-promoter for violation of Section 11(2) of the RERA Act, 2016.
14. Further 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.

15. 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.
16. 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.
17. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter is disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE