

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 73 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

ONYX CONSTRUCTIONS

... Respondent-Promoter

NAME OF THE PROJECT – BAITUL ALI

Maharera Real Estate Project Registration No. P51600034092

Appearance :- Mr. Amjad Shaikh, A.R. for Respondent-Promoter

ORDER

22nd MAY, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from "Instagram", which does not contain **MahaRERA Registration Number, MahaRERA Website Address and a QR Code** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 24.12.2024** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **January 06, 2025**.
2. Since the respondent has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.
3. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No.

MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, show cause notice was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.

4. The respondent-promoter in response to the said show cause notice, filed his say dated 15.02.2025 and apologized for inadvertent violation of MahaRERA advertisement guidelines. It is further contended by the respondent that he was not aware of the specific guideline of MahaRERA.
5. Perused the impugned advertisement. It does not contain MahaRERA Registration Number and MahaRERA website address, as mandated under Section 11(2) of the RERA, which is reproduced hereunder.

“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.”

6. Perusal of the impugned advertisement also reveals that it does not display the QR Code. MahaRERA Authority has issued Office Order No. 46/2023, dated 29.05.2023, which directs the promoter to display the QR Code prominently on each and every real estate project promotion/advertisement and it must be published in a manner that is legible, readable, and detectable with software application besides the MahaRERA Registration Number and the Website address. MahaRERA Authority has noticed that the MahaRERA QR Code is not being displayed correctly in terms of the aspect ratio and positioning in advertisement/promotions issued by promoters/agents and also the MahaRERA registration number and website address are not clearly visible due to small font sizes and light colour usage and observed that such practices undermine the objective of transparency and consumer protection as mandated under the Act. Therefore, recently Order No. 46C/2023, dated 08.04.2025 has been issued by the Authority directing every promoter and

registered real estate agents that the font size of the MahaRERA registration number and website address in advertisements/promotions and prospectuses, as the case may be, shall be equal to or larger than the font size used for the project's contact details and address and it shall be placed in the top-right quadrant of the advertisement/promotions in a colour that ensures high visibility. MahaRERA Authority by the said order also directed that the QR Code shall be displayed correctly, maintaining its aspect ratio and positioning in the top-right quadrant of the advertisement.

7. Heard Mr. Amjad Shaikh, A.R. for respondent-promoter. He has reiterated the contentions raised by the respondent in its say and admitted to have published the impugned advertisement by the respondent, but submitted that it was published inadvertently.
8. Considering the advertisement on record, say filed by the respondent-promoter and voluntary admission by the respondent-promoter, it has been established that the impugned advertisement was not containing MahaRERA Registration Number and MahaRERA website address, which definitely is in violation of the provision of Section 11(2) of the RERA. Moreover, It is thus crystal clear that the impugned advertisement was not containing MahaRERA Registration Number and MahaRERA website address, and it definitely violates the provision of Section 11(2) of the RERA.
9. The impugned advertisement was also not displaying the QR Code and it clearly indicates that there is breach of the directions issued by MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023. MahaRERA Authority has further issued directions vide 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.

10. In view of the aforesaid facts and circumstances, this is a fit case to invoke the provision of Section 61 of the RERA for violation of provision of Section 11(2) of the Act, and also to invoke the provision of Section 63 of the RERA for committing breach of the directions issued vide Order No. 46/2023, dated 29.05.2023.
11. 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.
12. Further Penalty of Rs.10,000/- under Section 63 of the Act, 2016 has been imposed against the respondent-promoter for committing breach of the direction issued vide MahaRERA Order No. 46/2023, dated 29.05.2023.
13. 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.
14. 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.
15. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter stands disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE