

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE**

Video Conferencing Hearing as per MahaRERA Order No.593/2023

SUO MOTU ADVERTISEMENT PUNE CASE NO. 92 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

INFINITY ASSOCIATES

... Respondent-Promoter

NAME OF THE PROJECT – LEGACY MILESTONE.

Maharera Real Estate Project Registration No. P52100077968

Appearance :- Adv. Kiran Vispute for Respondent-Promoter

ORDER

2nd JULY, 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 "facebook", which does not contain **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 17.01.2025** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **January 28, 2025**.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. On 14.02.2025 ASCI has further sent email and communicated the respondent-promoter that he has added the old MahaRERA website link in the impugned advertisement and since the

respondent-promoter has not responded to the communication made earlier by the ASCI, the complaint is being forwarded to the MahaRERA for further action.

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, 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 notice, filed his say dated 27.05.2025. It has been contended by the respondent-promoter that the impugned advertisement was mistakenly published by their advertising agency without mentioning the QR Code. It is further contended that as per the mail, the said advertising agency has withdrawn the impugned advertisement, but unfortunately missed to inform the same to the authority. The respondent-promoter submits that this is the first time there has been an error and apologized for the inadvertent mistake. It is submitted on behalf of the respondent that there is no intention on his part to defraud the customer or violate any law. Lastly, the respondent prayed not to initiate any penal action against him.
5. Perused the impugned advertisement. It does not contain QR Code as directed by the MahaRERA Authority vide its OrderNo.46/2023, dated 25.07.2023.
6. 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 Adv. Kiran Vispute for the Respondent-Promoter. She reiterated the contentions raised out by the respondent in his say. She argued that the impugned advertisement was withdrawn by the advertising agency of the respondent-promoter on receipt of intimation, but unfortunately communication to that effect was missed. She has further submitted that it was a first time error on the part of the respondent-promoter and prayed that no any penal action be taken against the respondent for an unintentional mistake.
8. Since the impugned advertisement was not displaying the QR Code, 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.

9. The later communication sent by ASCI vide email dated 14.02.2025 cannot be considered for leveling charge against the respondent-promoter for violation of provision of Section 11(2) of RERA on account of adding old MahaRERA website link in the impugned advertisement for the reason that ASCI by said later communication, has not given any further timeline to the respondent-promoter for modifying the impugned advertisement with new link of MahaRERA website or withdrawing the impugned advertisement. Therefore, I think that it will not be just and proper to held the respondent-promoter for said violation and to invoke the penalty as provided under Section 61 of the RERA.
10. Considering the advertisement on record, evidence produced in the case, and the aforesaid legal provision, this Authority is of the opinion that the impugned advertisement published without containing QR Code clearly manifests that there is breach of the directions issued vide MahaRERA Order No. 46/2023, dated 29.05.2023 on the part of the respondent-promoter.
11. Considering the submission of respondent-promoter that this is a first error on his part and inadvertent mistake with no intention to violate the legal provision and considering the quantum of penalty provided under 63 of the RERA, this Authority thinks that it will be just and proper to impose minimum penalty within the four corners of the law.
12. Penalty of Rs.10,000/- under Section 63 of the Act, 2016 has been imposed against the respondent-promoter for breach of the directions issued vide MahaRERA Order No. 46/2023, dated 29.05.2023.
13. The aforestated 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 is disposed off accordingly.

A handwritten signature in purple ink, appearing to read 'Agibiest'.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE