

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 22 OF 2025

MahaRERA on its own Motion Complainant

Versus

Ishan Enterprises. Respondent-Promoter

NAME OF THE PROJECT : "HARI ANANDVAN"

MahaRERA Project Registration No.P51600015577

Appearance :-

C. S. Mayura Marathe for Respondent-Promoter

ORDER

27th MARCH, 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 18.10.2024** to the respondent and thereby informed that the advertisement published by the respondent on **Website** in respect of a real estate projects under the name "**HARI ANANDVAN**" 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 been modified or withdrawn no later than **OCTOBER 29, 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 21.01.2025 has been served to the respondent-promoter and opportunity of being heard was given to him.
4. In response to the said notice of hearing, dated 21.01.2025, respondent-promoter has filed his reply, dated 25.02.2025 wherein it has been contended that the link referred to in the complaint stands invalid, as per the project details, including the RERA number, are clearly mentioned just below the description tab. It is further contended in the reply by the respondent that he has diligently adhered to all RERA norms concerning advertising in their brochures and other media promotions. The respondent

has further contended that he has made required changes as directed by the Authority.

5. C.S. Mayura Marathe 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 respondent-promoter has made the necessary changes as per directions of the Authority and prayed to waive the charges.
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 1st August, 2023 in the mediums described in the said Order.
7. Perused the impugned advertisement. Though the defence has been taken by the respondent-promoter that he has made necessary changes in the impugned advertisement, the same cannot be said to be made before the deadline given by ASCI. There was no QR Code displayed in the advertisement at the time of its publication. Further the stand taken by the respondent that all the project details including RERA number are clearly mentioned just below the description tab. The link mentioned in the advertisement however, does not contain QR Code, even below the description tab. Even as per the directions issued by the MahaRERA Order No.46/2023, the promoter shall prominently display QR Code besides the MahaRERA Registration Number and the Website Address. Therefore, it is not expected from the respondent-promoter to display the details of the project below the description tab in the impugned advertisement. As such, the said defence is not proper and cannot be accepted to be the compliance of the directions issued by the MahaRERA Order No.46/2023. From the evidence on record, it can be safely inferred that by publishing the impugned advertisement which does not prominently 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 before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.
13. In view of above, the present case stands disposed off.

Pune
Date :- 27.03.2025

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY, MAHARERA
PUNE