

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE**

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 65 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Vraj Ratan Home Makers (I) Pvt.Ltd.
(Giriraj Group)

.... Respondent-Promoter

NAME OF THE PROJECT : GIRIRAJ GRANDIOSE PHASE-1
MahaRERA Project Registration No.P52100011510

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- Absent

ORDER

21st June, 2024
(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 27.03.2024 to the respondent and thereby informed that the advertisement published by the respondent on website <https://www.girirajgroup.net/ongoing-projects/> of a real estate project under the name "Giriraj Grandiose Phase-1" 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 ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than April 08, 2024.
2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 27.03.2024, the ASCI has sent mail, dated 15.04.2024 and referred the matter to MahaRERA, Pune for initiating the suo-motu

complaint/proceeding against the respondent for disposal according to law.

3. On the basis of mail dated 15.04.2024 sent by ASCI, a notice of hearing has been sent to the respondent on 25.04.2024 for attending the virtual hearing, dated 31.05.2024.
4. Respondent-promoter neither has furnished his reply nor appeared in the matter on the dates fixed for hearing time to time, though sufficient opportunity of being heard was given to him. Therefore, lastly on 11.06.2024 the matter was adjourned for passing exparte order on today.
5. Perused the impugned advertisement on record. From reading the said advertisement, it appears it does not contain the MahaRERA website address and QR Code. It certainly denotes violations of the said mandatory provisions of the Act, 2016 as well as Orders issued by MahaRERA by the respondent.
6. The charges are leveled against the respondent-promoter for violation of Section 11(2) of the Act, 2016 and violation of directions issued in MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023.
7. So far as violation of QR Code is concerned, it can be said MahaRERA Order No.46/2023 and 46A/2023 is required to be discussed for deciding that whether there is violation of the same on the part of the respondent. By MahaRERA Order No. 46/2023, dated 29.05.2023, MahaRERA 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.

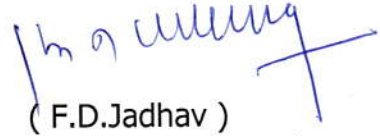
8. MahaRERA has further issued directions vide MahaRERA Order No.46A/2023, dated 25.07.2023, whereby penalty which may be extended upto Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- is to be imposed under Section 63 of the Act, 2016 against the promoter who fails to comply with the directions issued by MahaRERA Order No.46/2023.
9. Admittedly, the impugned advertisement does not contain the QR Code of the aforesaid real estate project. In spite of sufficient opportunity was given to the respondent-promoter, he failed to appear and rebut the charge leveled against him. As such it is proved that by publishing the said advertisement in question without mentioning QR Code, the respondent has contravened the directions issued in the MahaRERA Order No.46/2023, dated 29.05.2023 and Order No. 46A/2023, dated 25.07.2023. Therefore, he is liable to penalty for this violation under relevant Section 63 of the Act, 2016.
10. Now the next charge against the respondent is Section 11(2) of the Act 2016. 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."

11. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention website address of MahaRERA Authority prominently in the advertisement issued by him. The impugned advertisement though contains MahaRERA Registration Number, however, it does not contain website address of Authority. Therefore, by publishing the said advertisement in question without mentioning website address, manifestly shows that promoter has breached Section 11(2) of the Act, 2016 and therefore, liable for penalty under Section 61 of the Act, 2016.
12. Considering the facts *vis-a-vis* law discussed hereinabove, it can be said that it has been proved beyond reasonable doubt that the promoter has violated the provision of Section 11(2) of the Act, 2016 for publishing the advertisement without website address of Authority and also contravened the directions issued under MahaRERA Order No.46/2023 and 46A/2023 as stated hereinabove. In view of above, this promoter is liable for violations of the charges stated above and thus Section 61 and Section 63 of the Act, 2016 would attract in this matter for the purpose of imposing penalty against the respondent/promoter.
13. 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.
14. Penalty of Rs.10,000/-has also been imposed against the respondent-promoter under Section 61 of the Act, 2016 for violation of the provision of Section 11(2) of the Act, 2016.

15. Both the aforestated penalties shall be payable by the respondent within 15 days from the date of this order, 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.


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune