

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 169 OF 2024**

MahaRERA on its own Motion

... Complainant

Versus

REAL BUILDCON BUILDERS AND DEVELOPERS ... Respondent-Promoter

**NAME OF THE PROJECT – REAL DREAM HOMES WING C AND D
Maharera Real Estate Project Registration No. P52100046267**

Appearance :-

Adv. Rohan Parthe along with Mr. Mohan Naik, Partner of Respondent-Promoter

ORDER

27th JANUARY, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an **intimation letter, dated 08.08.2024** 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 **"REAL DREAM HOMES WING C AND D"** 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 ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than **August 21, 2024**.
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. Perused the impugned advertisement. It does not contain MahaRERA Website Address and QR Code, as alleged in the aforesaid

intimation letter issued by ASCI. Therefore, it prima-facie discloses violation of provisions of Section 11(2) of the RERA and contravention of the MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023 on the part of the respondent-promoter. Therefore, notice of hearing, dated 14.10.2024 has been sent to the respondent-promoter directing him to attend virtual hearing before this Authority and to make submissions, if any, as to why penal action should not be taken against him.

4. Respondent-promoter appeared virtually through Adv. Rohan Parthe along with partner Mr. Mohan Naik. Respondent-promoter has filed reply and contended that the impugned advertisement has been published by Property Portal namely Housing.com and contract period for publishing the aforesaid advertisement on the aforesaid portal was for three months from 31.08.2023 and the impugned advertisement has been published after the contract period was over. The respondent-promoter has further contended that the contravention of Order No. 46/2023 at the hands of the Opponent being first contravention of any of the directions given by MahaRERA, leniency be shown while deciding the complaint.
5. The charge against the respondent-promoter is that by publishing the impugned advertisement without containing MahaRERA website address and without displaying QR Code, he has violated provisions of Section 11(2) of the RERA and also contravened the directions issued in MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023.
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. Considering the aforesaid directions and the voluntary admission by the respondent-promoter, it can be said contravention of said directions under Order No. 46/2023 appears to have been proved that the impugned advertisement does not contain QR Code.

10. 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.

11. In the present case, the respondent-promoter though contended that the impugned advertisement has been published by the Channel Partner/Property Portal Housing.com after the contract period was over however, did not file any complaint against the said Property Portal as per the SOP issued by MahaRERA. On the contrary, the respondent-promoter has admitted to have contravened the directions issued by the MahaRERA and prayed for lenience while deciding the present case. Therefore, the charges levelled against the respondent-promoter apparently proves and therefore, this is a fit case to impose penalty against the respondent under Section 63 of the RERA.
12. 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.
13. 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.
14. Both the aforestated penalties shall be payable by the respondent within 15 days from the date the penalty is enforced, failing which further penalty of Rs. 1,000/- per day would be imposed till compliance.
15. 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.
16. 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