

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 26 OF 2023**

MahaRERA on its own Motion Complainant

Versus

Ganesh Builders Respondent/ Promoter

MahaRERA Project Registration No. - P50500046046

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

CA Rishi Lashkare appeared for the respondent/ promoter.

ORDER

23rd November 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D)Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
2. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from

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01.08.2023, promoter shall prominently display the QR Code on each and every real estate project promotion / advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No.46/2023 dated 29.05.2023, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.

3. The MahaRERA authority had issued a show cause notice dated 23/10/2023 to the promoter above named for publishing an advertisement dated 17/10/2023, in the Lokmat and Hitavada Nagpur Newspaper, without mentioning the MahaRERA project registration number as well as the Quick Response (QR) Code, in regard to the project "**Gyan Jyoti complex**" bearing MahaRERA registration no. **P50500046046**, situated at Manish Nagar, Nagpur.
4. The promoter, by reply dated 20/11/2023 to the said show cause notice dated 23/10/2023 had submitted that the due to inadvertent mistake, the MahaRERA project registration number as well as the Quick Response (QR) Code for the aforesaid project were not included in the said advertisement. The promoter had further submitted that there was no intention of hiding anything from their esteemed customers.
5. In this regard, a first hearing was scheduled on 23/11/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submissions.
6. During the hearing, the promoter admitted that the MahaRERA project registration number as well as the Quick Response (QR) Code for the aforesaid project were not included in the said advertisement published in Lokmat and Hitavada, Nagpur newspaper dated 17/10/2023. The promoter further reiterated that the mistake was unintentional. The promoter further assured that henceforth the MahaRERA registration number as well as the Quick Response (QR) Code will be mentioned/incorporated in all the advertisements.
7. In this regard, it is necessary to peruse the provision of section 11(2) of the

RERA which reads as under:

"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."

8. In this regard, it is also necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

MahaRERA Order No. 46/2023 dated 29.05.2023 -The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. 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 mandate as mentioned above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority.

MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty 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. In the present case, it has been established that the Promoter had released an advertisement in Lokmat and Hitavada, Nagpur newspaper dated 17/10/2023 without mentioning/incorporating the MahaRERA registration number of the aforesaid project as well as the Quick Response (QR) Code of

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the aforesaid project within the aforesaid advertisement.

10. Henceforth, it becomes manifestly clear that the Promoter stands in violation of section 11(2) of the Act,2016 for not mentioning the MahaRERA registration number as well as in violation MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 for not incorporating the Quick Response code (QR code) in the aforesaid advertisement.
11. In view of the above a penalty of Rs. 25,000/- is imposed upon the Promoter under section 61 for violation of Section 11(2) of the Act,2016 and Rs.25000/- under Section 63 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023. Thus, the total Penalty of Rs. 50,000/- is imposed upon the Promoter.
12. The said penalty shall be payable by the promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
13. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
14. With the above directions, the present case stands disposed of.

Sanjay Bhimanwar
(Sanjay Bhimanwar)

**Dy.Secretary,
MahaRERA,Nagpur.**