

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

SUO MOTU ADVERTISEMENT CASE NO. 41 OF 2024

MahaRERA on its own Motion Complainant

Versus

Dinesh Madhukar Nikalje Respondent/ Promoter

MahaRERA Project Registration No. – P52300028879

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

No one appeared for the respondent/ Promoter.

ORDER

7th February 2025

(Through Video Conferencing)

1. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein with effect from 01.08.2023, promoter/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 the Act, 2016 shall be imposed upon promoters/Promoters for each such violation.
2. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 25/06/2024 to the Promoter above named for issuing an advertisement on Digital Property Portal-Housing.com namely"
<https://housing.com/in/buy/projects/page/262533-dinesh-nikalje-by-dinesh-madhukar-nikalje-in-murshadpur> dated 17/06/2024, in regard to the

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plots available at Murshidpur-Ashti, Beed without including the Quick Response (QR) Code for the said plots.

3. The Promoter, in spite of having received the intimation letter dated 25/06/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement. And hence, the ASCI had referred the said matter to MahaRERA, Nagpur for initiating the Suo-motu complaint/proceeding against the Promoter/respondent for disposal according to law.
4. In this regard, the first hearing was scheduled on 29/08/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter appeared and sought time to file its written submissions. Accordingly, the matter was adjourned to the next date of the hearing. As per the directions issued on the first hearing dated 29/08/2024, the promoter had filed its written reply on 03/09/2024. The Promoter by its written reply dated 03/09/2024 submitted that the impugned advertisement was published by housing.com without its knowledge or permission. The Promoter further submitted that in this regard, they had asked for clarification to the housing.com and the housing.com in its reply stated that the impugned advertisement dated 17/06/2024 had been removed from the portal. In this regard, the next hearing was scheduled on 22/10/2024 and 07/02/2025, when the Promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the respondent/Promoter.
5. During the first hearing dated 29/08/2024, the Promoter submitted that the impugned advertisement dated 17/06/2024 published on housing.com has not been posted by the Promoter or any other person on behalf of the Promoter. The Promoter submitted that in this regard, clarification was asked to the housing and in its reply, housing.com stated that the said advertisement has been removed from its digital portal and sought an apology for inconvenience.
6. In this regard, it is 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 applications. 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, the 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 real estate Promoters for each such violation.

7. In the present case, impugned advertisement of the project -**Dinesh Nikalje** bearing MahaRERA registration number P52300028879 was published on digital property portal-housing.com on 17/06/2024 without including the Quick Response (QR)code of the said project. In this regard, it appears from the submission of the Promoter and the documents on record that the impugned advertisement was not published by the Promoter. In view of this, cannot be held liable for violation of MahaRERA regulations.
8. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)

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