

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 79 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Vijaylaxmi Creations (Satyam Group)

.... Respondent-Promoter

NAME OF THE PROJECT : Satyam Serenity A & B
MahaRERA Project Registration No.P52100002885 & P52100004660

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

Appearance :- Adv. Anil Pawar for Respondent-promoter.

ORDER

30th July, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 14.05.2024 to the respondent and thereby informed that the advertisement published by the respondent on Instagram in respect of real estate projects under the name "Satyam Serenity A & B" does not contain MahaRERA Registration number, 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 ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than May 24, 2024.
2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 14.05.2024, the ASCI has sent mail, dated 14.06.2024 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 14.06.2024 sent by ASCI, a notice of hearing has been sent to the respondent on 25.06.2024 for attending the virtual hearing, dated 05.07.2024.
4. Respondent-promoter has filed his reply, dated 30.07.2024. It is contended by the respondent that he has not mentioned RERA Registration number due to inadvertently, as well as not mentioned QR Code. It is also contended by the respondent in his reply that the respondent is not aware of the QR Code rule and regulations at the time of advertisement. It is further contended by the respondent that this is bonafide mistake of the respondent and he never had any wrongful or misleading intention towards the customer. The respondent has lastly prayed to dismiss the complaint.
5. Adv. Anil Pawar appeared on behalf of the respondent in this matter. He has reiterated the contentions raised out by the respondent in his reply. Learned Adv. for the respondent has fairly admitted that the impugned advertisement does not contain MahaRERA Registration number and QR Code. However, he prayed for leniency while imposing penalty in the matter.
6. Perused the impugned advertisement on record. From reading the said advertisement, it appears it does not contain MahaRERA Registration number, MahaRERA Website address and QR Code. It certainly denotes violations of the said mandatory provisions by the respondent.
7. 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.
8. 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.

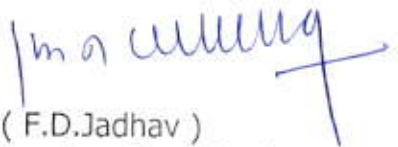
9. MahaRERA has further issued directions vide MahaRERA Order No.46A/2023, dated 25.07.2023, whereby penalty which may be extended up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- is to be imposed under Section 63 of the Act, 2016 against the promoter who fails to comply with the directions issued by MahaRERA Order No.46/2023. As in this matter, this promoter has admitted this charge, it can be said violation of QR Code is proved.

10. 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 the RERA Registration number of the project and MahaRERA website address prominently in the advertisement issued by him. Perused the impugned advertisement. It does not contain RERA Registration Number of the said real estate project as well as MahaRERA website address.
12. The respondent has voluntarily admitted in his reply dated 30.07.2024 that the impugned advertisement does not contain MahaRERA Registration Number and QR Code. Perusal of the impugned advertisement on record shows that the MahaRERA Registration number and QR Code have not been mentioned in it. It further shows that the MahaRERA Website address also does not contain in the impugned advertisement. It certainly proves the violation of MahaRERA Order No. 46/2023 and Order No. 46A/2023 and also proves violation of provision of Section 11(2) of the Act, 2016 on the part of the respondent.
13. Considering the facts *vis-a-vis* law discussed hereinabove and the voluntary admission of the respondent-promoter, 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 MahaRERA registration number and also contravened the directions issued under MahaRERA Order No.46/2023 and 46A/2023, as stated hereinabove. Therefore, penalty will have to be imposed for contravention of the said provisions/directions. The order to that effect is as under.
14. 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.

15. 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.
16. 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.
17. 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