

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 36 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Landlord Properties Pvt.Ltd.
'Cereza'

.... Respondent

MahaRERA Project Registration No.P52100017246

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

Appearance :- Adv. Ms. Prerna Deshpande and Adv. Parimal Deshmukh

ORDER

12th March, 2024
(Through Video Conferencing)

1. MahaRERA Authority has issued show cause notice, dated 09.02.2024 to the respondent-promoter for publishing advertisement on website <https://malpaniestates.com/project-m-cereza.php> in respect of real estate project "Cereza" situated at Punawale, Pune registered with MahaRERA under Project Registration No. P52100017246 without mentioning the QR Code of the said real estate project, and thereby violating the MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.
2. The respondent-promoter has submitted reply dated 11.03.2024 and contended therein that the QR Codes have been incorporated on first page of their website to facilitate easy access to project information and advertisement of the project, for the public at large, however, inadvertently missed mentioning QR Codes inside the website.
3. Adv. Ms. Prerna Deshpande and Adv. Parimal Deshmukh appeared on behalf of the respondent-promoter. Adv. Mr. Parimal Deshmukh submits that the respondent has received full O.C. on 16.01.2023 from Competent Authority prior to publishing of the impugned advertisement on the website.

Mr. Deshmukh urged not to impose any penalty against the promoter, as this promoter has not contravened the Order No. 46/2023 r.w. 46A/2023 issued by MahaRERA.

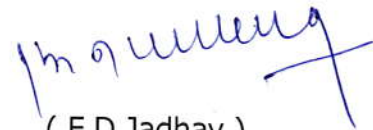
4. MahaRERA has issued Order No.46/2023, dated 29.05.2023 and thereby issued some directions in respect of QR Code viz. (i) the promoter shall prominently display the QR Code on each and every project promotion/advertisement published after 1st August, 2023, (ii) the QR Code must be published in a manner that is legible, readable and detectable with the software application and (iii) the QR Code must be published besides the MahaRERA Registration number. The mediums for display of QR Code are also described in the said Order. MahaRERA has also issued Order No.46A/2023, dated 25.07.2023 thereby prescribed the amount of penalty for violation of the directions issued in the MahaRERA Order No. 46/2023.

5. It appears from record that the promoter has received the Full Occupancy Certificate, dated 16.01.2023 from Pimpri-Chinchwad Municipal Corporation. It palpably shows that the project of the respondent-promoter has been completed by virtue of receipt of O.C. for their project prior to publication of the impugned advertisement. The said full O.C. which was received prior to publication of impugned advertisement denotes that there is no breach of Order No.46/2023 read with 46A/2023 by the promoter. Section 3(2)(b) of the Act, 2016 specifically states that, **"....no registration of the real estate project shall be required where the promoter has received completion certificate for a real estate project prior to commencement of this Act."** This provision explicitly indicates that the provisions of this Act would not be applicable to the projects which are completed and have received completion certificate. Moreover, Clause 3 of Para I of Circular issued by MahaRERA bearing No.25/2019, dated 11th Oct. 2019 clarifies that real estate projects where promoter has received completion certificate/occupation certificate/N.A. (in case of plotted development) from Competent Authority, any time before Agreement for Sale/Sale-deed registration, are excluded from MahaRERA Registration. In

this backdrop of these specific provisions of law, this promoter cannot be held liable for violation of QR Code to be displayed in the advertisement.

6. As this promoter has received Full O.C. prior to impugned advertisement, there is no evidence to prove that this promoter has violated the MahaRERA Order No.46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023. As violation of QR Code by the promoter is not proved, therefore, the provision of Section 63 of the Act, 2016 cannot be invoked to impose penalty in this matter.

7. The matter is therefore, disposed off without imposing any penalty upon the respondent-promoter.



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