

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE
SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 41 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Rama Spaces Respondent

'Paradise One'

MahaRERA Project Registration No.P52100018033.

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

Appearance :- Mr. Ajay Kalaskar, A.R. for respondents.

ORDER

12th March, 2024
(Through Video Conferencing)

1. MahaRERA Authority has issued show cause notice, dated 23.02.2024 to the respondent-promoter for publishing advertisement on website <https://www.ramagroupindia.com/projects/residential/paradise-one.html> in respect of real estate project "Paradise One" situated at Chikhali, Pune registered with MahaRERA under Project Registration No. P52100018033 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 22.02.2024 and contended that the said project has been completed and PCMC has awarded them the Occupancy Certificates on 18.04.2023. It has been further contended by the respondent in reply that consequently the QR Code for the said project was neither obtained nor mentioned on the website. It has further contended by the respondent that he has taken necessary steps to remove this project from the 'ongoing category' and have relocated it to the 'completed projects' section on his website. The respondent further

contended that the delay in rectifying the removal of the completed project from his advertisement was due to a transition in the agency responsible for managing and updating his websites. The previous agency, which handled the overall maintenance of their website, ceased operations, leading to the need for password resets, which consumed a significant amount of time. The respondent submits that subsequently they promptly engaged a new agency to manage and update his website regularly.

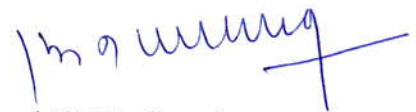
3. Mr. Ajay Kalaskar, A.R. appeared on behalf of the Respondent-promoter. A.R. Mr. Kalaskar has reiterated the contentions raised out by the promoter in his reply. Mr. Kalaskar has submitted that the said project is already completed and received full O.C. from Competent Authority prior to publication of the impugned advertisement on the promoter's website. Mr. Kalaskar 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 on 18.04.2023 from the Competent Authority 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

and prior to issue of show cause notice 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, such real estate projects 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, 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