

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

SUO MOTU ADVERTISEMENT CASE NO. 36 OF 2024

MahaRERA on its own Motion Complainant

Versus

Mr.Nikesh Hatwar/Aashray Real Estate Respondent

MahaRERA Real Estate Agent Registration No.-

A50500037497

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

Mr.Nikesh Hatwar appeared for the respondent.

ORDER

05th September 2024

(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/2023/46B/2023 wherein with effect from 01.08.2023, the promoter/ the real estate agent 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/Section 65 of the Act, 2016 shall be imposed upon the promoter/ real estate agent for each such violation.

3. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 29/04/2024 to the agent-respondent above named for issuing an advertisement on Website namely "<https://www.facebook.com/groups/1457027751230213/posts/3663423603923939>" dated 12/02/2024 in regard to their real estate project situated at Mouza -Welahari, Nagpur without incorporating MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
4. The agent-respondent, in spite of having received the intimation letter dated 29/04/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
5. Hence, the Advertising Standards Council of India by email dated 16.05.2024 has informed the MahaRERA, Nagpur Office and reported that there is violation of RERA Act and regulations on the part of respondent by publishing the said advertisement. Therefore, in this regard, a notice of hearing has been sent to the respondent on 05/07/2024 for attending the virtual hearing dated 09/07/2024.
6. In response to the said hearing notice dated 05/07/2024, the agent-respondent, by its reply dated 08/07/2024, had submitted that the MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project were not included in the aforesaid Facebook advertisement dated 12/02/2024 due to inadvertent mistake on its part. The promoter further sought an apology for publishing the aforesaid Facebook advertisement dated 12/02/2024 of

the said real estate project without incorporating MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement.

7. In this regard, the first hearing was scheduled on 09/07/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the agent appeared and made its submission. The Proceedings were adjourned to the next date of hearing for written submission. Hence, the next hearing was scheduled on 05/09/2024, when the agent appeared and made its submission.
8. During hearing, the respondent admitted that by inadvertent mistake only, MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project were not included in the aforesaid Facebook advertisement dated 12/02/2024. The respondent sought an apology and assured that henceforth, MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code will be mentioned prominently in all the advertisement published by it.
9. In this regard, it is necessary to peruse the provision of Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 which reads as under:

"14(2) Every registered real estate agent shall quote the number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."
10. In this regard, it is also necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46B/2023, which reads as under:

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 36 OF 2024**

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.

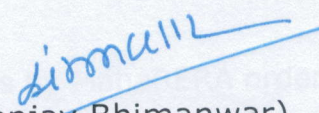
MahaRERA Order No. 46B/2023 dated 21.08.2023 – (a) Real estate agents shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. (b)The QR Code must be published in a manner that is legible, readable, and detectable with software applications. Failure to comply with (a) and b) 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 65 of the Act shall be imposed upon promoters for each such violation.

11. From the plain reading of the above-mentioned sections, the Real Estate agent is under obligation to mention the agent registration number along with the project registration number and QR code of the real estate projects in the advertisements issued by it.
12. In the present case, the respondent-agent has published a Facebook advertisement dated 12/02/2023 without incorporating MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement. During the virtual hearing dated 05/09/2024 and also by written submission dated

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 36 OF 2024**

08/07/2024, the respondent-agent has voluntarily admitted that the impugned advertisement does not contain MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement.

13. Hence, the respondent-agent is in violation Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 and the provisions of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023 for not incorporating the MahaRERA Website Address, MahaRERA registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
14. In view of the above, a penalty of Rs. 10,000/- under section 62 & section 65 of the Act, 2016, is imposed upon the respondent for violation of Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 and the provisions of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023.
15. The said penalty shall be payable by the respondent within a period of 15 days from the date of this order.
16. 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.
17. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

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