

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO.34 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Kingsville Realty LLP
M-Triump

.... Respondent-Promoter

MahaRERA Project Registration No. P52100013316.

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

Appearance: Adv.Parimal Deshmukh & Adv.Prerana Deshpande for respondent.

ORDER

16th April, 2024

(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 09-02-2024 to the respondent-promoter for publishing advertisement on website <https://www.malpaniestates.com/project-m-triumph.php> in respect of Real Estate Project M-Triump situated at Shivajinagar, Pune registered with MahaRERA Project Registration No.P52100013316 without including the Quick Response (QR) Code of the said Real Estate Project in the said advertisement and thereby violating the directions issued by the Maharashtra Real Estate Regulatory Authority Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023 dated 25-07-2023.
2. Respondent-promoter has filed his reply, dated 11-03-2024. It has been contended in the said reply that QR code have been incorporated on first page of the website to facilitate easy access to project information and advertisement of the project, for the public at large. This promoter has further contended that inadvertently they missed mentioning QR code

inside the website and there absolutely no intention to conceal any information regarding the project from the public. It is also further contended by the promoter that they have now rectified this oversight by updating their website accordingly.

3. Adv.Parimal Deshmukh & Adv.Prerana Deshpande appeared in the present matter on behalf of respondent. Initially both these Counsels reiterated the contentions raised out by the Respondent in his reply. However during the oral argument both these Counsels have voluntarily admitted that there was no QR Code mentioned in the impugned advertisement. Considering unequivocal admission of the respondent-promoter in respect of advertisement issued in regards to the aforesated real estate project without QR code, it can be said that the charges leveled against this respondent-promoter have been abundantly proved.

4. MahaRERA has issued Order No.46/2023, dated 29.05.2023, wherein the following directions have been issued :-

- (a) The promoter shall prominently display the Quick Response (QR) Code on each and every project promotion/ advertisement published after "1st August, 2023";
- (b) The QR Code must be published in a manner that is legible, readable, and detectable with software application; and
- (c) The QR Code must be published besides the MahaRERA Registration Number and the website address.

The mandate as mentioned in Clause (a) above shall apply to the mediums of promotion/advertisement mentioned thereunder. It is to be stated here that advertisement on websites/webpages of projects is fourth medium amongst 5 mediums.

5. MahaRERA has further issued Order 46A/2023, dated 25.07.2023. In all total three directions are issued thereunder. However, first two


directions are reproduced here which are necessary for the purpose of this matter.

- a) With effect from 01.08.2023, 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.
- b) Failure to comply with (a) above shall be construed as violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend upto 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 promoters for each such violation.

6. It can be seen from the record that the respondent has voluntarily admitted the violation of the directions issued by MahaRERA vide Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023 by him. Therefore, there appears clear contravention of the aforesaid MahaRERA Orders on the part of the respondent-promoter. It manifestly indicates the violation of MahaRERA Orders (supra) by the promoter. As such the provision of Section 63 of the Real Estate (Regulation & Development) Act, 2016 have to be invoked against the respondent-promoter for imposing penalty. Considering the fact that this respondent has immediately rectified the mistake and updated their website, lenient view is required to be taken while imposing penalty in this matter.

7. In view of the above, the respondent-promoter shall pay the penalty of Rs.10,000/- under Section 63 of the Act, 2016 for violation 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.

8. The said penalty shall be payable by the respondent within 10 days from the date of this order, failing which respondent-promoter shall be liable to penalty of Rs.250/- per day, in addition, till the realization of entire amount.
9. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the respondent-promoter for extension, corrections, change of name etc. with respect to the aforesaid real estate project.


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