

**SUO MOTU ADVERTISEMENT /
NAGPUR/ CASE NO. 39 OF 2024**

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT CASE NO. 39 OF 2024**

MahaRERA on its own Motion Complainant
Versus
Aakar Constructions Group Respondent/ Promoter

MahaRERA Project Registration No. - P50500054630

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

Mr.Rahul Deshpande appeared for the respondent/ promoter.

ORDER

7th February 2025

(Through Video Conferencing)

1. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 wherein 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, failure to which a penalty under Section 63 of the Act, 2016 shall be imposed upon promoters for each such violation.
2. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 24/06/2024 to the Promoter above named for issuing an advertisement on Facebook <https://www.facebook.com/commerce/listing/6976670252437934> dated

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March-2024 in regard to their real estate project "Aakar Park" bearing MahaRERA registration number-P50500054630 situated at Nagpur which contains the Quick Response (QR) Code of the said real estate project, but it is not detectable which is considered to be prima facie in violation of MahaRERA regulations.

3. The Promoter, in spite of having received the intimation letter dated 24/06/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement. And hence, the ASCI had referred the said matter to MahaRERA, Nagpur for initiating the Suo-motu complaint/proceeding against the Promoter/respondent for disposal according to law.
4. In this regard, the first hearing was scheduled on 29/08/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, the Promoter remained absent even though the notice of hearing and the link for all the hearing was duly served upon the promoter. In this regard, Mr.Chetan Chopade whose name appears in the Intimation letter dated 24/06/2024 issued by ASCI to the aforesaid Promoter was also called upon for the hearing dated 29/08/2024. who remained absent even though the notice of hearing and the link for all the hearing was duly served upon him. However, Mr.Chetan Chopade by its written reply dated 18.09.2024 submitted that he is ex-employee of the aforesaid promoter and no longer associated with the aforesaid promoter. Invoking the principle of natural justice, said matter was adjourned to the next date of the hearing i.e. on 22.10.2024, when the Promoter appeared through its representative and made its submission. Also, Mr.Chetan Chopade appeared and made its submission. The Promoter was directed to file its written reply, and the matter was adjourned to the next date. Accordingly, the Promoter, by its written reply dated 12/11/2024 submitted that the aforesaid advertisement contains the QR(Quick Response) code of the said project but as it is not readable, the said impugned advertisement has been removed from digital platform and thereby complied the queries raised by the MahaRERA authority. In this

regard, the next hearing was scheduled on 07/02/2025 when the Promoter appeared through its representative and made its submissions.

5. During the hearing, the respondent/promoter submitted that the impugned advertisement dated March-2024 published on Facebooks contains the Quick Response (QR)code for the aforesaid project, however it is not detectable. The Promoter sought an apology and further assured that the outmost care would be taken while incorporating the QR (Quick Response) code.
6. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

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.

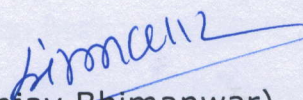
MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) 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 63 of the Act shall be imposed upon promoters for each such violation.

7. In the present case, the Promoter had released an advertisement of the aforesaid project on Facebook dated March 2024 which contains the Quick

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Response (QR) Code, but it is not detectable. In this regard, it appears that the impugned advertisement was published by Mr.Chetan Chopade on its Facebook page. However, from its submission and documents and record, it appears that Mr.Chetan Chopade is an ex-employee of the aforesaid promoter and no longer associated with it. Further, he is also not registered agent under MahaRERA. Furthermore, the aforesaid promoter admitted that the QR (Quick Response) code of the said real estate project incorporated in the impugned advertisement is not readable/detectable. Although the said advertisement contains QR (Quick Response) code of the said real estate project but as it is not detectable, it defeats the purpose of incorporation of QR code in an advertisement of real estate project issued by the Promoter of which the ultimate responsibility lies on the promoter itself. On this background, Mr.Chetan Chopade cannot be held liable for violation of MahaRERA regulations. However, it becomes manifestly clear that the Promoter stands in violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated*25.07.2023 for not incorporating the Quick Response code (QR code) which is detectable/readable of the aforementioned project in the aforesaid advertisement.

8. In view of the above a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 63 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
9. 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.
10. With the above directions, the present case stands disposed of.


(Sanjay Bhimanwar)

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