BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. SM12500064 (104 OF 2025)

MahaRERA on its own Motion ... Complainant

Versus

SUMIT MAHENDRA CHORDIA ... Respondent-Promoter

NAME OF THE PROJECT – PRIDE RESIDENCY.
Maharera Real Estate Project Registration No. P49900050252

Appearance :- Mr. Sumit Mahendrda Chordia, Respondent-Promoter in person

ORDER

25th JUNE, 2025
(Through Video Conferencing)

1. MahaRERA Authority by its Office Order No.MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16th January, 2025 has delegated powers to the undersigned to issue show cause notice in case of violation by the promoters under Section 3(1), 11(2) of the Real Estate (Regulation And Development) Act, 2016 (hereinafter referred to as **the RERA)**, MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 25.07.2023; and to pass orders on the show cause notice after considering the reply submitted by promoters to show cause notice and after granting personal hearing to promoters; and impose penalty under Section 59, 61 and 63 of the RERA. Powers are also delegated to the undersigned to issue show cause notices and such further notices to the real estate agents for violation by real estate agents of the provision of Section 10(a) of the RERA/or Rule 14 of 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 (hereinafter referred to as **the Rules**) and MahaRERA Order No.46B/2023, dated

21.08.2023; to pass orders on the show cause notices as issued after considering the reply submitted by real estate agents to the show cause notice and/or after granting personal hearing to the real estate agents; and to impose penalty under Section 62 of the Act for violation of Section 10(a) of the Act and Rule 14 of the Rules and under Section 65 of the Act for violation of MahaRERA Order No.46B/2023, dated 21.08.2023.

2. MahaRERA Authority, Mumbai has came across with an advertisement published in the daily newspaper **"Lokmat", dated 23rd February, 2025** of the real estate project **"PRIDE RESIDENCY"** launched by the Respondent-Promoter **at Yaval Road, Bhusawal, District Jalgaon** registered with MahaRERA under **Project Registration No. P49900050252**. A copy of the said advertisement was sent to this office for taking action for violation of any of the provisions under RERA and/or breach of directions issued vide MahaRERA Order No. 46/2023, dated 29.05.2023. On perusal of the copy of the said advertisement, it was noticed that it does not contain MahaRERA Registration number, MahaRERA website address as mandated under the provision of Section 11(2) of RERA. Also it doesn't contain detectable QR Code as per the directions issued by the MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023.

3. Since the impugned advertisement doesn't contain MahaRERA Registration number, MahaRERA website address and QR Code, there appears prima-facie violation of the provision of Section 11(2) of the RERA and breach of the directions issued vide MahaRERA Order No.46/2023, dated 29.05.2023. Therefore, a notice dated 24.03.2025 was issued to the Respondent-Promoter calling upon him to show cause as to why penal action under Section 61 and 63 of RERA should not be taken against him.

4. In response to the said show cause notice, the Respondent-Promoter has filed reply dated 27.03.2025 and admitted that the impugned advertisement doesn't contain MahaRERA Registration number, MahaRERA

website address and QR Code however, prayed to drop the proceedings and not to levy any penalty for the first and last mistake.

5. Respondent-promoter Mr. Sumit Chordia appeared in person. He has also voluntary admitted that the impugned advertisement doesn't contain MahaRERA Project Registration Number, MahaRERA website address and QR Code and prayed that the project is located in a small city like Bhusawal and this being his first mistake, no penalty be levied against him.

6. The charges against the respondent-promoter are that by publishing the impugned advertisement without containing MahaRERA Registration Number, MahaRERA website address and QR Code, thereby violated provisions of Section 11(2) of the RERA and breach of the MahaRERA Order No.46/2023, dated 29.05.2023.

7. Section 11(2) of the Act, 2016 reads as under :-

> **"Section 11(2) :- The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto."**

8. Perusal of the impugned advertisement, shows that it does not contain MahaRERA Registration Number, MahaRERA website address, as required under the aforesaid provision. The respondent in his reply voluntarily admitted the said charges.

9. MahaRERA Order No.46/2023, dated 29.05.2023 directs the promoter to display/publish the QR Code beside the MahaRERA Registration number in a legible, readable and detectable with the software application on each and every project promotion/advertisement published after 1st August, 2023 in the

mediums described in the said Order. The impugned advertisement also doesn't contain QR Code, as mandated vide the directions issued by MahaRERA Authority under MahaRERA Order No.46/2023, dated 29.05.2023. The respondent-promoter has also voluntarily admitted that the impugned advertisement doesn't contain the QR Code. Therefore, the charge against the respondent-promoter for breach of directions issued by MahaRERA Order No. 46/2023, dated 29.05.2023 have been proved.

10. Considering the aforesaid evidence, the impugned advertisement on record, the charges levelled against the respondent-promoter apparently proved and therefore, this is a fit case to impose penalty against the respondent under Section 61 for violation of provision of Section 11(2) of the RERA and under Section 63 of the RERA for breach of the directions issued under MahaRERA Order No. 46/2023, dated 29.05.2025.

11. Section 61 of the RERA provides penalty which may extend up to five per cent of the estimated cost of the real estate project, as determined by the Authority.

12. Section 63 of RERA provides penalty for every day during which such default continues, which may cumulatively extend up to give percent of the estimated cost of the real estate project, as determined by the Authority.

13. MahaRERA Authority has issued Order No.46A/2023, dated 25.07.2023 provides penalty for violation of the directions issued under MahaRERA Order No. 46/2023, dated 29.05.2023 and penalty has been provided 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.

14. Considering the submission made by the respondent-promoter that the real estate project is located in a small city like Bhusawal, it will be just and proper in the interest of justice to impose minimum amount of penalty provided

under the aforesaid legal provisions and MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.

15. Penalty of Rs.10,000/- under Section 61 of the Act, 2016 has been imposed against the respondent-promoter for violation of Section 11(2) of the RERA Act, 2016.

16. Penalty of Rs.10,000/- under Section 63 of the Act, 2016 has been imposed against the respondent-promoter for breach of the directions issued under MahaRERA Order No.46/2023, dated 29.05.2023.

17. The aforestated penalty shall be payable by the respondent within 15 days from the date of enforcing penalty, failing which respondent shall be liable to penalty of Rs.1000/- per day, in addition, till the compliance.

18. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.

19. Thus in the light of aforesaid facts, documents on record, voluntary admission by respondent-promoter and the legal provision, the present matter stands disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE