

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from PROPERTY PORTAL viz. 'PROPERTY MEGAMART', which does not contain **MahaRERA websire address** and **QR Code** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 27.01.2025** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **Feb. 05, 2025**.
2. Since the respondent-promoter has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondents for disposal according to law.

3. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No. MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, notice of hearing was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.
4. The respondent-promoter in response to the notice, filed his say dated NIL. The respondent-promoter contended that the impugned advertisement has been published by the Property Portal viz. "Property Megamart" without consent and information of the respondent-promoter. The respondent-promoter has lodged a complaint with Lashkar Police Station/Cyber Crime, Pune City on 05.08.2024 in that regard and filed a copy thereof on record.
5. Considering the contents in the say filed by the respondent-promoter and police complaint lodged by him against the respondent-agent, the respondent-agent was called upon to attend the virtual hearing, dated 28.08.2025. However, in spite of service of notice, the respondent-agent failed to attend the hearing in the matter. On perusal of MahaRERA Portal, the name of respondent-agent doesn't reflect as a registered agent with MahaRERA.
6. Perused the impugned advertisement. It does not contain MahaRERA website address as mandated under Section 11(2) of RERA and also does not contain QR Code as directed by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 read with Order No. 46B/2023, dated 21.08.2023.
7. Heard the respondent-promoter through A.R. Mr. Sameer Patil. He has reiterated the contentions raised out by him in his say. He has submitted that the respondent-promoter never authorized or permitted the respondent-agent to publish the impugned advertisement. He has further submitted that the respondent-promoter has lodged a complaint with cyber crime branch and copy thereof has been furnished on record.

8. The respondent-promoter has lodged police complaint against the respondent-agent for publishing the impugned advertisement without containing MahaRERA website address and also displaying QR Code. A copy of the complaint lodged with cyber crime is furnished on record. It clearly suggest that the impugned advertisement has been published by the respondent-agent without any authorization/permission from the respondent-promoter.
9. In view of the aforesaid evidence on record, since the respondent-promoter has filed police complaint against the respondent-agent and has complied with the prevailing SOP of MahaRERA, the respondent-promoter cannot be held liable for violation of provision of Section 11(2) of RERA and also cannot be held liable for breach of the directions issued by the MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 29.07.2023.
10. In view of the fact that a complaint is lodged against the respondent-agent by the promoter, this proceeding stands disposed off accordingly.

**( JAYANT B. DANDEGAONKAR )**  
**DEPUTY SECRETARY**  
**MahaRERA, PUNE**