

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 155 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

1. NILKANTH HINDURAO MOHITE.

... Respondent-Promoter

2. PROPTIGER.COM

... Respondent-Agent

NAME OF THE PROJECT – GIRIJA NHM CITY

Maharera Real Estate Project Registration No. P52700017764

Appearance :- Respondent-Promoter : Mr. Nilkanth Hindurao Mohite-In person
Respondent-Agent : Adv. Mr. Manish and Mr. Syed

ORDER

16th JULY, 2025

(Through Video Conferencing)

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, which does not contain **MahaRERA Website 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dated 17.07.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **July 26, 2024**.
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, dated 26.08.2024 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 10.10.2024. The respondent-promoter denies to have published the impugned advertisement on the property portal. The respondent-promoter has further contended that he has sent email to the concerned property portal and asked to delete or to unsubscribe the project advertisement. The respondent-promoter has filed a complaint, dated 19.02.2025 with Cyber Crime Branch, Satara against the respondent-agent and filed a copy thereof in the present proceeding. The respondent-promoter has further filed additional say on 18.03.2025 and contended that the impugned advertisement has been published without his consent or in wrong way, for which the respondent-promoter has filed police complaint.
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 07.05.2025.
6. Respondent-agent filed its say dated 25.06.2025 and contended that it has taken corrective action immediately and the MahaRERA website address was updated on its platform and informed the ASCI. It is further contended in its say by the respondent-agent that they were unable to locate the required QR Code, either on the MahaRERA website or on the RERA Registration Certificate issued by the Authority and therefore, requested ASCI's assistance in obtaining the QR Code to ensure compliance. It is further contended by the respondent-agent that it is a free-to-use public platform where any user, including builders, brokers, and individual sellers can post listings. It is further contended that no prior request was made by the concerned builder to remove the listing from the platform of the respondent-agent.

7. Perused the impugned advertisement. It does not contain MahaRERA website address, as mandated under Section 11(2) of the RERA and also doesn't 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.
8. Heard the respondent-promoter in person. 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 police and copy thereof has been furnished on record.
9. The respondent-promoter has lodged police complaint against the respondent-agent for publishing the impugned advertisement without displaying QR Code and MahaRERA website address. A copy of the police complaint 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.
10. Considering the advertisement on record, evidence produced in the case, submissions made on record by the respondent-promoter, and the aforesaid legal provision, this Authority is of the opinion that the impugned advertisement published without containing MahaRERA website address means there is clear violation of the provision of Section 11(2) of the RERA. However, Section 11(2) of RERA mandates the promoter to mention the website address and registration number in the advertisement or prospectus. Thus this provision is to be complied by the "promoter" as defined in Section 2(zk) and not by the "real estate agent" as defined in Section 2(zm) of the Act, 2016. Therefore, this charge is not applicable to the respondent-agent. In the instant case, it has come on record that the impugned advertisement has not been published by the promoter. Therefore, the provision of Section 11(2) of the RERA is not attracted in the facts of the present instant case.

11. 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 the provision of Section 11(2) of the RERA and 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.
12. 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