

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE**

Video Conferencing Hearing as per MahaRERA Order No.593/2023

SUO MOTU ADVERTISEMENT PUNE CASE NO. 161 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

**HIGHSPOT REALTORS LLP
(PRISTINE PROPERTIES)**

... Respondent-Promoter

NAME OF THE PROJECT – PRISTINE KYRA.

Maharera Real Estate Project Registration No. P52100055515

Appearance :- Adv. Nilesh Borate, Adv. Amruta Salunke, Adv. Khushboo Gandhi,
Adv. Aditya Nikam for Respondent-Promoter

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 "facebook", which does not contain **MhaRERA Registration Number, 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 16.07.2024** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **July, 25, 2024**.
2. Since the respondent 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 respondent 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 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 said notice, filed his reply dated 23.09.2024 and also dated 25.03.2025. It has been contended by the respondent-promoter in his initial say dated 23.09.2024 that he did not receive the intimation letter dated 16.07.2024 issued by ASCI and therefore, he was unable to take any action regarding the said advertisement. Further it has been contended that several channel partners are working as agents/brokers for the said project, and they are advertising it on various social media platforms, which the promoter is not fully aware of, nor can he effectively monitor and control the same.
5. In the later reply dated 25.03.2025, the respondent-promoter has contended that the impugned advertisement does not expressly mention about the Respondent/Promoter, it clearly displays the name of "Pristine Properties" and not this Respondent's name "Highspot Realtors LLP" hence, the promoter has not violated Section 11(2) of RERA. It has been further contended by the respondent-promoter that he has not published the impugned advertisement without MahaRERA Registration Number, MahaRERA Website address and QR Code. The respondent-promoter has further contended that from the screenshot taken from Facebook, shows that there is no prima evidence to prove that this Respondent-promoter has given the alleged advertisement without MahaRERA Registration Number, MahaRERA Website address and QR Code. It has also been contended that the respondent-promoter has not violated the directions issued by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 and the respondent has duly complied with the said directions. The respondent-promoter has further contended that since there is no prima facie evidence, the case against this Respondent is not

established. Lastly, the respondent has prayed to quash the show cause notice and no penal action be taken against him.

6. Perused the impugned advertisement. It does not contain MahaRERA Registration Number and MahaRERA website address, as mandated under Section 11(2) of the RERA. Section 11(2) of RERA is reproduced hereunder.

"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."

7. The impugned advertisement also does not contain QR Code as directed by the MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023.
8. Heard Adv. Mr. Nilesh Borate for the Respondent-Promoter. He reiterated the contentions raised out by the respondent in his say. He argued that the respondent-promoter has not published the impugned advertisement and therefore, no penal action be taken against the respondent-promoter.
9. Perused the impugned advertisement. The respondent-promoter in his initial reply, dated 23.09.2024 taken the stand that he did not receive intimation letter, dated 16.07.2024 issued by ASCI. Therefore, the intimation letter dated 16.07.2024 issued by ASCI is perused scrupulously. It shows that it was sent in the name of promoter "Highspot Realtors LLP (Prestine Properties) through email on the email addresses (1) sales@pristinepune.com and (2) pristinepropac@gmail.com. Since copy of thereof has also been sent by ASCI to MahaRERA, this Office has sent notice of hearing, dated 28.08.2024 to the respondent-promoter on one of the same email address i.e. pristinepropac@gmail.com and on receipt of said notice of hearing, the respondent-promoter has appeared in the present case and attended the

hearing and also sent his reply dated 23.09.2024 along with WhatsApp Image dated 01.10.2024, which is of the postal receipt., through the same email address pristinepropac@gmail.com. Therefore, the contentions raised out by the respondent-promoter that he has not received the intimation letter, dated 16.07.2024 issued by ASCI, has no substance and cannot be considered.

10. ASCI through the said intimation letter, dated 16.07.2024 had asked the respondent-promoter to modify or withdraw the said impugned advertisement and to confirm back to ASCI no later than July 25, 2024. Thus the respondent-promoter was given an opportunity to modify or withdraw the impugned advertisement within the timeline given by ASCI, which the respondent-promoter failed to do so and therefore, the present proceeding has been initiated against the respondent for violation of the provision of RERA and directions issued by the Authority, as aforesaid.

11. The second defence raised by the respondent-promoter in his initial reply, dated 23.09.2024 that several channel partners are working as agents/brokers for the said project, and they are advertising it on various social media platforms, which the respondent-promoter is not fully aware of, nor can he effectively monitor and control the same. It is not the case of the promoter that the agents/brokers who are working for the said project, are unknown to the respondent-promoter. When the respondent-promoter has knowledge that several agents/brokers are working for his project, it is obligatory on the part of respondent-promoter to instruct them not to publish any advertisement which would violate any of the provisions of RERA or the directions issued by the Authority. The respondent-promoter cannot escape from his obligation by stating that he is not fully aware of, or he cannot effectively monitor and control such agents/brokers. Therefore, this defence taken by the respondent-promoter has also no substance and cannot be helpful to him.

12. The respondent-promoter has further filed his reply dated 25.03.2025 that the impugned advertisement does not expressly mention about the respondent-promoter, but it displays the name of "Pristine Properties", hence

the respondent-promoter has not violated Section 11(2) of the RERA. As stated supra, it has been established from the documents on record that the intimation letter, dated 16.07.2024 has been sent by ASCI to the respondent-promoter on the email address given in the impugned advertisement and the same has been received by the respondent-promoter, though the respondent-promoter has declined to have received the said intimation letter. As such, this contention raised by the respondent-promoter has no substance at all, hence cannot be considered.

13. The respondent-promoter has further taken the stand that the impugned advertisement was published on facebook and therefore, it shows that there is no prima facie evidence to prove that this respondent-promoter has given the alleged advertisement without MahaRERA Registration number, MahaRERA website address and QR Code. the promoter could not establish that the advertisement was not published by him. While on the other hand, he himself has contended that several agents/brokers are working for the said project and are advertising it on various social media platforms. If really the respondent-promoter has not published the impugned advertisement and according to him, it has been published by some other agent/broker, it is not the case of the promoter that the same has been published without his consent/approval/permission. Furthermore, in such case, the respondent has not lodged complaint against the individual, with the police for publishing the impugned advertisement without his consent/approval/permission, as envisaged in the SOP issued by the MahaRERA. The respondent-promoter was asked to file complaint as per the instructions vide SOP issued by the Hon'ble Authority and sufficient opportunity to file additional say was given to the respondent-promoter and matter was adjourned on 30.04.2025, 04.06.2025, 25.06.2025 and 16.07.2025. However, neither respondent filed additional say nor lodged complaint against the respondent-agent, in case, according to him the impugned advertisement has been published by the respondent-agent without the knowledge, consent and/or permission of the respondent-agent.

14. As per the provision of Section 11(2) of the RERA, the promoter is under obligation to mention prominently the MahaRERA website address and MahaRERA registration number of his real estate project in the advertisement or prospectus issued by him. The promoter is also under obligation to follow the directions issued by MahaRERA Authority vide Order No. 46/2023, dated 29.05.2023 to display the QR Code prominently on each and every real estate project promotion/advertisement and it must be published in a manner that is legible, readable, and detectable with software application besides the MahaRERA Registration Number and the Website address.
15. Considering the aforesaid facts and circumstances and documents on record, the needle of suspicion turns towards the respondent-promoter for publishing the erroneous advertisement without containing the MahaRERA Registration Number, MahaRERA website address and QR Code. Therefore the provision under Section 61 and Section 63 of the RERA to impose penalty upon the respondent-promote is required to be invoked. Hence, the following order is passed.

ORDER

- (i) The respondent-promoter shall pay penalty of Rs.10,000/- under Section 61 of the Act, 2016 for violation of Section 11(2) of the RERA Act, 2016.
- (ii) The respondent-promoter is further directed to pay 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 vide MahaRERA Order No. 46/2023, dated 29.05.2023.
- (iii) 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.

- (iv) 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.
- (v) The present complaint is disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE

