

**SUO MOTU ADVERTISEMENT/PUNE CASE NO. 26 OF 2025**

## MahaRERA on its own Motion

### ... Complainant

Versus

## 1. AMIT ENTERPRISES HOUSING LTD.

### ... Respondent-Promoter

## 2. HOMES247 (Unregistered)

### ... Respondent-Agent

**NAME OF THE PROJECT – AMITS BLOOMFIELD PHASE III – J AND K BLDG.**  
**Maharera Real Estate Project Registration No. P52100005644**

**Appearance :-** Respondent-Promoter : Adv. Sadhana Mhasawade  
Respondent-Agent : Absent

## ORDER

9<sup>th</sup> 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 website, 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dated 12.11.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **November 22, 2024**.
2. Since the respondents have 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 29.01.2025 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 written statement dated 17.02.2025. The respondent-promoter denies the ownership and operation of the advertisement published on the website of Homes247. The respondent-promoter has contended that he has neither authorized nor permitted the said company or agency to run advertisement. The respondent-promoter has lodged a formal complaint with Ambegaon Dattanagar Police Station on 12.02.2025 and furnished acknowledgement thereof.
5. Considering the contents in the written statement filed by the respondent-promoter and police complaint lodged by him against Homes247, by email, dated 3<sup>rd</sup> April, 2025 sent on email address of the respondent-agent thereby called to attend the virtual hearing, dated 07.05.2025. However, the respondent-agent has neither appeared in the scheduled hearing nor furnished his written say on record. The matter was therefore, adjourned to 28.05.2025 and the respondent-agent was given opportunity of being heard. Still the respondent did not appear nor filed his say. Therefore, again the matter was adjourned to 19.06.2025. The respondent-agent on the said date also failed to appear and file his say. The matter was lastly adjourned to 09.07.2025 for passing order in the absence of respondent-agent.
6. Perused the impugned advertisement. It does not contain 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 advertisement 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.
8. Heard Adv. Sadhana Mhasawade for the Respondent-Promoter. She has reiterated the contentions raised out by the respondent-promoter in his say. She has submitted that the respondent-promoter never authorized or permitted the respondent-agent to publish the impugned advertisement. She 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. Therefore, the onus shifted upon the respondent-agent to show that the impugned advertisement published by it was without any violation of provision of Section 11(2) of RERA and breach of directions issued by MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No. 46B/2023, dated 21.08.2023. However, in spite of sufficient opportunity of being heard was given to the respondent-agent, neither any one on behalf of respondent-agent appeared nor filed any say on his behalf.
10. MahaRERA Authority has issued Order No. 46/2023, dated 29.05.2023 whereby the promoter is directed to display QR Code prominently in a manner that is legible, readable and detectable with software application and it must be published besides the MahaRERA Registration Number and the Website Address in all the mediums mentioned therein. MahaRERA Authority has also

issued Order No.46A/2023, dated 25.07.2023, whereby the amount of penalty under Section 63 of RERA for violations of the directions issued therein has been clarified. MahaRERA Authority has further issued Order No.46B/2023, dated 21.08.2023 by which the directions issued by the Authority vide the aforesaid Orders, dated 29.05.2023 and 25.07.2023 shall mutatis mutandis apply to all registered real estate agents. MahaRERA Authority has noticed that the MahaRERA QR Code is not being displayed correctly in terms of the aspect ratio and positioning in advertisement/promotions issued by promoters/agents and also the MahaRERA registration number and website address are not clearly visible due to small font sizes and light colour usage and observed that such practices undermine the objective of transparency and consumer protection as mandated under the Act. Therefore, recently Order No. 46C/2023, dated 08.04.2025 has been issued by the Authority directing every promoter and registered real estate agents that the font size of the MahaRERA registration number and website address in advertisements/promotions and prospectuses, as the case may be, shall be equal to or larger than the font size used for the project's contact details and address and it shall be placed in the top-right quadrant of the advertisement/promotions in a colour that ensures high visibility. MahaRERA Authority by the said order also directed that the QR Code shall be displayed correctly, maintaining its aspect ratio and positioning in the top-right quadrant of the advertisement.

11. 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.

12. So far as the charge in the proceeding in respect of not containing QR Code in the impugned advertisement, it has come on record that the respondent-promoter has not given any consent or permission to publish the same, the respondent-promoter cannot be held for such contravention of the directions issued under MahaRERA Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023. Further as per the prevailing SOP issued by the MahaRERA Authority, since the respondent-promoter has lodged complaint with the police against the respondent-agent for publishing, the present proceeding is liable to be disposed off.
13. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter stands disposed off accordingly.



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

7/21/2012