

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 127 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

1. SIDDHIVINAYAK VENTURES.

... Respondent-Promoter

2. HOUSING.COM

... Respondent-Agent

NAME OF THE PROJECT – Bhide Nivara

Maharera Real Estate Project Registration No. P52100055983

Appearance :- Respondent-Promoter : Mr. Ganesh Naidu, in person
Respondent-Agent : Adv. Mr. Manish and Mr. Syed

ORDER

9th 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 **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dated 14.06.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **June 26, 2024**.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 06.08.2024 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, did not file his say in this matter. The Respondent-promoter has however, filed an email, dated 09.08.2024 sent by him to Housing.com and brought to the attention of the said company that the impugned advertisement was placed by an unknown individual without any affiliation to Siddhivinayak Developers. It is further submitted by the respondent-proper that the contact number provided in the advertisement is non-existence. The respondent-promoter has demanded to take immediate action to remove unauthorized advertisement from the platform of Housing.com. During the course of hearing scheduled on 04.10.2024 before my learned predecessor, the respondent-promoter has submitted that the impugned advertisement has been published without the consent of the promoter. The respondent-promoter has lodged a complaint against the respondent-agent with Talegaon Dabhade Police Station on 07.10.2024 and filed a copy thereof on record.
5. Considering the contents raised out by the respondent-promoter in his say and complaint filed by him with the police authority, a notice of hearing was issued to the respondent-agent. Say filed on behalf of respondent-agent through email on 21.08.2024 and 05.09.2024 and contended that they have removed the project from their website and also intimated the same earlier. Adv. Mr. Manish and Adv. Mr. Syed appeared on behalf of the respondent-agent and sought time to file say, but in spite of time granted to file say, no say has been filed on behalf of respondent-agent.
6. Perused the impugned advertisement. It does not contain QR Code, as directed by MahaRERA vide Order No. 46/2023, dated 29.05.2023 read with Order No. 46A/2023, dated 24.07.2023 and Order No. 46B/2023, dated 21.08.2023. Perused the complaint lodged by the promoter with the police against Housing.com.

7. Heard the promoter in person. He has reiterated the contentions raised out by him in his say. The promoter has submitted that he has not published the impugned advertisement. He has further submitted that the Advertisement Company has published the impugned advertisement without his consent and for which he has lodged a complaint with police 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 displaying QR Code. 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.
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 contravention 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 complaint stands disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE

