

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 133 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

**1. SAMEENA ANJUM SHAIKH
(WESTON ENTERPRISES).**

... Respondent-Promoter

2. 99acres.com pvt. ltd.

... Respondent-Agent

NAME OF THE PROJECT – FATEMA ELITE

Maharera Real Estate Project Registration No. P52200050092

Appearance :- Respondent-Promoter : C.A. Mr. Sanjay Pagare
Respondent-Agent : Adv. Devashish Godebole &
Mr. Ayush Bhatia, A.R.

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dated 20.06.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **July 01, 2024**.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 07.08.2024 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 their say and contended that they have approached to the website for publication of advertisement and on 13.07.2024 received email from the respondent-agent regarding the updation of QR Code on their website and on 16.07.2025 they have forwarded the email to the MahaRERA regarding updation of QR Code. During the course of hearing on 23.08.2024 before my learned predecessor, C.A. Mr. Sanjay Pagare has appeared on behalf of respondent-promoter and has reiterated that the impugned advertisement has been published by 99acres.com without the permission of the respondent-promoter, for which the promoter has lodged complaint with police. The respondent-promoter has filed complaint on 10.10.2024 with police against 99acres.com and filed a copy thereof on record.
5. No say has been filed on behalf of the respondent-agent. Adv. Godbole appeared on behalf of the respondent-agent and submitted that as per the decision of the Hon'ble MahaRERA Tribunal, registration for property portal is not required. Though during the hearing on 11.10.2024 before my learned predecessor, Adv. Godbole submitted that he will file a copy of the said decision of the Hon'ble MahaRERA Appellate Tribunal, however, no any such decision appears on record of the instant case.
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. 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.
8. 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

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