

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 135 OF 2024**

MahaRERA on its own Motion

... Complainant

Versus

CHETAN VIDYADHAR PATHAK

... Respondent-Promoter

NAME OF THE PROJECT – KRISHNA KUNJA

Maharera Real Estate Project Registration No. P49800049446

Appearance :-

Mr. Chetan Vidyadhar Pathak, Respondent-Promoter in person.

ORDER

9th July, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an **intimation letter, dated 20.06.2024** to the respondent and thereby informed that the advertisement published by the respondent on **PROPERTY PORTAL** in respect of a real estate project under the name **"KRISHNA KUNJA"** 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 (hereinafter referred as **"RERA"**). ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than **July 01, 2024**.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 respondent for disposal according to law.

3. Perused the impugned advertisement. It does not contain **MahaRERA Website Address and QR Code**, as alleged in the aforesaid intimation letter issued by ASCI. Therefore, it prima-facie discloses violation of Section 11(2) of the RERA as well as contravention of the MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023 on the part of the respondent-promoter. Therefore, notice of hearing, dated 07.08.2024 has been sent to the respondent directing him to attend virtual hearing before this Authority and to make submissions, if any, as to why penal action should not be taken against him.
4. Respondent-promoter appeared virtually through Mr. Chetan Vidyadhar Pathak and submitted that advertisement was published without his consent. Respondent-promoter has produced on record a copy of police complaint lodged by him with Cyber Cell of District Dhule along with endorsement of concerned police officer of cyber cell suggesting to file suit in the court.
5. The charge against the respondent-promoter is that by publishing the impugned advertisement without containing MahaRERA website address and without displaying QR Code, he has violated provisions of Section 11(2) of the RERA and also contravened the directions issued in MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023.
6. Perusal of the impugned advertisement, shows that it does not contain MahaRERA website address and QR Code, as required under the aforesaid provision.
7. As per SOP issued by MahaRERA Authority, where the advertisement is issued by any individual, external broker who is not an affiliated Channel Partner of the Promoter and the Promoter is unaware of such an advertisement and has not granted permission, then the promoter shall file a police complaint and/or a complaint with the cyber cell and accordingly submit a detailed report to MahaRERA Authority outlining the actions taken within a period of 15 days.

8. In the present case, the respondent-promoter has filed a copy of complaint lodged with the Cyber Cell of District Dhule containing endorsement of the police officer of said Cyber Cell suggesting to file suit in the court. Considering the SOP of MahaRERA Authority, the promoter has complied the directions issued in it. Therefore, the respondent-promoter cannot be held liable for contravention of MahaRERA Order No. 46/2023 and 46A/2023 by publishing the impugned advertisement without displaying the QR Code. Therefore, I am of the opinion that this is not a fit case to impose penalty against the promoter.
9. Thus in the light of aforesaid facts, documents on record, legal provision and the SOP issued by MahaRERA, the present matter is disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE

