

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

**SUO MOTU ADVERTISEMENT/PUNE CASE NO. 36 OF 2025**

**MahaRERA on its own Motion** ... **Complainant**

Versus

**1. NYATI REALTORS LLP.** ... **Respondent-Promoter**  
**2. K2V2 TECHNOLOGIES PVT. LTD.** ... **Respondent-Agent**

**NAME OF THE PROJECT – NYATI ESTEBAN II**  
**Maharera Real Estate Project Registration No. P52100053440**  
**Maharera Real Estate Agent Registration No. A52100030372**

**Appearance :-** Adv. Rahul Kankariya for Respondent-Promoter  
Mr. Hiteshwar Salunke, A.R. for Respondent-Agent

**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 18.11.2024** to the respondent-promoter and respondent-agent and directed to ensure that the said advertisement has to be modified or withdrawn no later than **November 27, 2024**.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 was issued to the respondents calling upon them as to why penal action should not be taken against them.
4. The respondent-promoter filed his say, dated 15.02.2025 and contended that after receipt of the intimation letter, dated 18.11.2024 from the ASCI, the respondent-promoter immediately took action and on 19.11.2024 and asked the respondent-agent to modify or delete the impugned advertisement. It is further contended on behalf of the respondent-promoter that the respondent-promoter has received a confirmation on 25.11.2024 from the respondent-agent that the changes required are in process and they will be done by the end of 25.11.2024 and therefore, it was understood that the necessary compliance has been done before time. It is submitted by the respondent-promoter that no violation has been committed on the part of the respondent-promoter with respect to the advertisement in question. Lastly, it is prayed that the present complaint against the respondent-promoter may kindly be dismissed or disposed off as withdrawn.
5. Respondent-agent appeared through Mr. Hiteshwar Salunke on 28.05.2025 and sought time to file say and for the same, time was granted to the respondent-agent. However, no say has been filed on behalf of the respondent-promoter on the next scheduled hearing on 19.06.2025. Therefore, the matter is scheduled for passing order on today without say of respondent-agent.
6. Heard learned Adv. Rahul Kankaria on behalf of the respondent-promoter. He has reiterated the contentions raised out by the respondent-promoter in his say. Learned Adv. Kankaria submitted that since the respondent-promoter has immediately informed the respondent-agent for the compliance as per the intimation letter, dated 18.11.2024 from ASCI and further communication made by the respondent-agent confirming that the

changes will be done within the timeline, there is no any violation on the part of the respondent-promoter.

7. Perused the impugned advertisement. It does not contain MahaRERA website address, as mandated under the provision of Section 11(2) of RERA and also does not contain QR Code as per the directions issued vide MahaRERA Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 29.05.2023 and Order No.46B/2023, dated 21.08.2023.

8. Since this proceedings attracts the provision of Section 11(2) of RERA, the same is reproduced hereunder for ready reference.

**"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."**

9. Considering the aforesaid legal provision, it is to be complied by the promoter and not by the agent. Though the respondent- promoter has contended that he has immediately asked the respondent-agent to comply with the directions issued by the intimation letter, dated 18.11.2024, however, no any changes has been made in the impugned advertisement within the timeline given by ASCI. It is not the case of the promoter that the impugned advertisement has been published by the respondent-agent without the consent or permission or approval of the respondent-promoter. Therefore, publishing the impugned advertisement without containing MahaRERA website address clearly manifests that the promoter has violated the provision of Section 11(2) of the RERA and therefore, it is a fit case to invoke the provision of Section 61 of the RERA to impose penalty upon the promoter.

10. As stated above, the present proceeding also attracts MahaRERA Order No. 46/2023, dated 29.05.2023 read with Order No. 46A/2023, dated 25.07.2023 and Order No.46B/2023, dated 21.08.2023.
11. 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.

12. Therefore, both the respondent-promoter and respondent-agent are equally liable to comply with the directions issued by the MahaRERA vide Order No.46/2023, dated 29.05.2023 read with Order No.46A/2023, dated 25.07.2023 and Order No.46B/2023, dated 21.08.2023. The evidence on record clearly manifests that the respondent-promoter and respondent-agent have contravened the directions issued by the aforesaid MahaRERA Orders. Therefore, the provision of Section 63 of RERA has to be invoked in this case against the promoter for imposing penalty, and the respondent-agent is also liable to pay penalty under Section 65 of the RERA.
13. Perused the impugned advertisement scrupulously and it found that it also doesn't contain MahaRERA Agent Registration Number as mandated under Section 9(5) of the RERA read with Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest And Disclosures On Website) Rules, 2017. Therefore, the respondent-agent has clearly violated the aforesaid legal provision and liable to pay penalty under Section 62 of the RERA.
14. In view of the aforesaid evidence on record, the following order is passed.

**ORDER**

- (a) The respondent-promoter shall pay penalty of Rs.10,000/- under Section 61 of the RERA for violation of Section 11(2) of the RERA.
- (b) The respondent-promoter shall also pay penalty of Rs.10,000/- under Section 63 of RERA for contravention of the directions issued under Order No.46/2023, dated 29.05.2023 read with Section 46A/2023, dated 25.07.2023.
- (c) The respondent-agent shall pay penalty of Rs. 10,000/- under Section 65 of the Act, 2016 for contravention of directions issued vide MahaRERA Order No.46/2023, dated 29.05.2025 read with

MahaRERA Order No.46A/2023, dated 25.07.2023 and 46B/2023, dated 21.08.2023.

- (d) The respondent-agent shall also pay penalty of Rs.10,000/- under Section 62 of RERA for violation of provision of Section 9(5) of RERA read with Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest And Disclosures On Website) Rules, 2017.
- (e) The aforesaid penalty shall be payable by the respondents within 15 days from the date of enforcing penalty, failing which respondents shall be liable to penalty of Rs.1000/- per day, in addition for each count, till the compliance.
- (f) The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the real estate agent for renewal of his registration as a real estate agent.
- (g) The present matter stands disposed off accordingly.



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