

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 95 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

1. MUSALE & BORSANIYA LLP

... Respondent-Promoter

2. HOUSING.COM

... Respondent-Agent

NAME OF THE PROJECT – MB PARK

Maharera Real Estate Project Registration No. P51600048277

Appearance :- Respondent-Promoter : Absent

Respondent-Agent : Adv. Mr. Manish Sharma

ORDER

30th 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 **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dated 24.01.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **Feb 04, 2025**.
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 was issued to the respondents calling upon him as to why penal action should not be taken against him.
4. The respondent-promoter in spite of sufficient opportunity of hearing given to him, failed to appear and contest the matter.
5. The respondent-agent filed Say, dated 09.06.2025, wherein it has been stated that they have taken corrective action immediately and uploaded the MahaRERA website address on their platform however, upon visiting the MahaRERA website to obtain the QR Code, they were unable to locate it on the MahaRERA website or on the RERA Certificate and therefore, they sent a letter to ASCI and asked to provide them QR Code to comply with the requirement. It is also contended that Housing.com is a free-to-use public platform, where any user-including builders, brokers and individual sellers can post listings. It is further contended that whenever a complaint is brought to their attention, they investigate the matter, and if found appropriately, promptly remove the listing in compliance with applicable laws and regulations. The respondent-agent contends that in the instant matter the builder has not made any prior request to remove the listing from their platform and it was only after the initiation of the suo-motu proceeding by the Authority, the builder approached them for removal of the listing and upon receipt of request, they acted promptly and removed the listing in question.
5. Perused the impugned advertisement. It does not MahaRERA website address as mandated under Section 11(5) of the RERA and contain QR Code as directed by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 read with Order No. 46A/2023, dated 21.08.2023.
6. Adv. Mr. Manish Sharma appeared on behalf of Housing.com. He also reiterated the contentions raised out by Housing.com in their say. It was

submitted on behalf of the respondent-agent Housing.com that Housing.com complied with the requirement and uploaded the MahaRERA website address immediately. However, no any specific contention has been made either in the say or during the hearing that compliance was made within the timeline given by ASCI. Further read the letter dated 04.02.2025 filed on behalf of Housing.com in the present proceeding, wherein it has been stated that they were unable to locate the QR Code either on the MahaRERA website or in the RERA Certificate. By the said letter, the Housing.com had requested the ASCI to help them with the QR Code.

7. Perused the email dated 05.02.2025 sent by ASCI to the Housing.com wherein it has been stated that though the Housing.com informed ASCI that they have added MahaRERA website address however, ASCI is unable to locate the same in the impugned advertisement. It has been further stated in the said email that the Certificate issued in the month of December 2022 prior to QR Code regulation in August 2023, the Housing.com was asked to approach MahaRERA Authority for obtaining the QR Code.
8. The present matter deals with Section 11(2) of RERA. According to this provision, the respondent-promoter is under obligation to prominently mention the website address of the Authority containing all details of the registered project and inclusion of registration number and such other matters in every advertisement or prospectus issued or published by him.
9. 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.

10. In the present case, though the respondent-agent Housing.com has contended that they have taken corrective action immediately and added the MahaRERA website address in the impugned advertisement, however, from the email, dated 05.02.2025 issued by ASCI, it shows that the same was not located in the impugned advertisement. Therefore, it can be safely inferred that the impugned advertisement does not contain MahaRERA website address till 04.02.2025 i.e. the timeline given by ASCI to modify the impugned advertisement.

11. The provision of Section 11(2) of RERA attracts against the respondent-promoter. In the present case, in spite of sufficient opportunity of being heard was given to the respondent, the respondent-promoter failed to appear and contest the matter. Therefore, the charge against the respondent-promoter

for not mentioning the MahaRERA website address in the impugned advertisement has been proved beyond reasonable doubt.

12. The impugned advertisement was also not containing QR Code as directed by the MahaRERA Authority vide Order No.46/2023, dated 29.05.2023. Though it has come on record that the Project Registration Certificate has been issued in the month of December, 2022 i.e. prior to the Order No. 46/2023, dated 29.05.2023, the QR Code was not given to the said project, however, it was the duty of the promoter to approach the MahaRERA Authority to obtain the QR Code. If 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 as per the prevailing Standard Operative Procedure, it is mandatory on the part of the promoter to file a police complaint and/or a complaint with the cyber cell and accordingly submit a report to MahaRERA Authority outlining the actions taken within a period of 15 days. Since the respondent-promoter failed to appear in the instant case, it can be safely inferred that the promoter was aware of the publishing the impugned advertisement by the Housing.com. Nothing has been brought on record to show that the promoter had approached the MahaRERA Authority to obtain QR Code during the long period from June 2023 till the publication of the impugned advertisement or even thereafter till the timeline given by ASCI in the instant case. Therefore, the charge for not complying the direction issued by the MahaRERA Authority vide MahaRERA Order No.46/2023, dated 29.05.2023 are also proved in the present case against the promoter.

13. In view of the aforesaid evidence on record, since the respondent-promoter has failed to comply with the provision of Section 11(2) of RERA, the provision of Section 61 of the RERA is invoked against him. So also, the promoter has failed to comply with directions issued by the MahaRERA Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023, the provision of Section 63 of the RERA is also invoked against the respondent-promoter in this matter. In the result, following order is passed.

ORDER

- (a) The respondent-promoter shall pay penalty of Rs.10,000/- under Section 61 of RERA for violation of provision of Section 11(2) of 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 Order No. 46A/2023, dated 25.07.2023.
- (c) The aforestated 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, till the compliance.
- (d) The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the respondent promoter for extension, corrections, change of name etc., with respect to the said project.
- (e) The present matter stands disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE