

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 96 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

1. SAMARTH ASSOCIATES.

(SAMARTH BUILDERS & DEVELOPERS) ... Respondent-Promoter

2. HOMES247 (Unregistered) ... Respondent-Agent

NAME OF THE PROJECT – SAMARTH GIRNAR HEIGHTS.

Maharera Real Estate Project Registration No. P53100046891

Appearance :- Respondent-Promoter : Mr. Suhas Kulkarni, Partner

Respondent-Agent : Absent

ORDER

23rd 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dated 27.01.2025** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **FEBRUARY 05, 2025**.

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 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, appeared through partner Mr. Suhas Kulkarni, who has stated that the respondent-agent Homes 247 has published the impugned advertisement without knowledge and consent of the promoter. In support of his contention, the respondent-promoter has filed on record a copy of the police complaint, dated 02.06.2025 lodged with Vishrambag Police Station.
5. Considering the contentions made filed by the respondent-promoter and police complaint lodged by him against Homes247, dated 02.06.2025 a notice of hearing, dated 05.06.2025 has been sent on email address of the respondent-agent thereby called to attend the virtual hearing, dated 02.07.2025. However, the respondent-agent has neither appeared in the scheduled hearing nor furnished his written say on record. The matter was therefore, adjourned to 23.07.2025 for passing order.
6. Perused the impugned advertisement. It does not contain MahaRERA website address, as mandated under Section 11(2) of the RERA. Section 11(2) of RERA is reproduced hereunder.

"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."

7. The advertisement also does not contain QR Code as directed by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 read with Order No. 46B/2023, dated 21.08.2023.
8. The respondent-promoter has lodged police complaint against the respondent-agent for publishing the impugned advertisement without displaying QR Code and MahaRERA website address. 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. The respondent-promoter has also filed email, dated 08.03.2025 sent by him to Homes247.in wherein it has been contended that the impugned advertisement has been published by the said Homes247.in without lawful permission of the promoter. By the said email, the promoter has directed the said respondent-agent to remove and case publication of the unauthorized advertisement from all platforms. The respondent-promoter has also filed email, dated 24.03.2025 sent by Homes247.in to the respondent-promoter, wherein it has been contended that their property portal is a public platform where properties and the details can be listed by the users. It has further been contended in the said email, dated 24.03.2025 that the said respondent-agent has promptly deleted the page from their portal, but it will take a few days to be auto removed from Google indexation.
9. Considering the aforesaid facts and circumstances and the documents on record, it is clear that the impugned advertisement has been published by the respondent-agent Homes247.in without lawful permission of the respondent-promoter and for the same, the respondent-promoter has lodged a complaint with the police. It is further come on record that the said Homes247.in is a property portal having access to all the public including the promoters, brokers, agents, individuals.
10. As per the prevailing SOP issued by the MahaRERA Authority, since the respondent-promoter has lodged complaint with the police against the

respondent-agent for publishing the impugned advertisement without his lawful permission. Therefore, the promoter cannot be held liable for the violation of the provision of Section 11(2) of the RERA and for not complying with the directions issued by MahaRERA Authority vide Order No. 46/2023, dated 29.05.2025. In view of the compliance made by the promoter as per the SOP issued by the MahaRERA, the present proceeding is liable to be disposed off.

11. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter stands disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE