

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY**

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

**SUO MOTU ADVERTISEMENT/PUNE CASE NO. 97 OF 2025**

**MahaRERA on its own Motion**

**... Complainant**

**Versus**

**1. SAMARTH ASSOCIATES.**

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

**2. HOUSING.COM (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**

**23<sup>rd</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 **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dated 27.01.2025** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **FEBRUARY 05, 2025**.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 Housing.com 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 Housing.com, 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.
6. In response to the said notice, the respondent-agent filed its say dated 09.06.2025 wherein it has been contended that they have taken corrective action immediately and updated MahaRERA website address on their platform. It has been further contended that they were unable to locate the QR Code either on the MahaRERA website or on the RERA Registration Certificate therefore, they requested ASCI to assist them in obtaining the QR Code. It is also contended by the respondent-agent that Housing.com is a free-to-use public platform, where any user including builders, and individual sellers can post listing. The respondent-agent has further contended that whenever a complaint is brought to their attention, they investigate the matter, and if found appropriate, they promptly remove the listing in compliance with applicable laws and regulations. The respondent-agent further contended that in the instant matter, no prior request was made by the concerned builder to remove the listing from their platform, but the builder has approached them



with a request to remove the project from their platform only after the initiation of suo-motu proceeding by the MahaRERA Authority and that too, after receipt of the said request, they promptly removed the listing in question.

7. 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."**

8. 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.
9. 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.
10. 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 Housing.com 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.

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

*Against*

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