

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY  
AUTHORITY, PUNE**

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.104 OF 2023**

MahaRERA on its own Motion

.... Complainant

Versus

**ANP LIFESPACE LLP.**

.... Respondent-Promoter

**Project -**

**ANP UNIVERSE**

**MahaRERA Project Registration No.P52100030318**

**Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head**

**Appearance :-** Adv. Shilpa Pratap for Respondent-Promoter.

**ORDER**

12<sup>th</sup> December, 2023

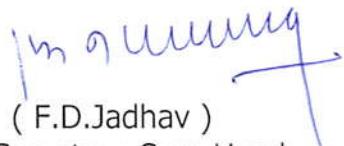
(Through Video Conferencing)

1. MahaRERA has issued show-cause notice, dated 08.09.2023 to the respondent-promoter calling upon him to show cause for publishing advertisement of the "ANP Universe" real estate project in social media "Instagram" for not including Project Registration No. and Quick Response (QR) Code and thereby violating the provisions of Section 11(2) of the Real Estate (Regulation & Development) Act, 2016 ( hereinafter referred to as "Act, 2016) and the directions issued by the Maharashtra Real Estate Regulatory Authority under MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023.
2. Respondent-promoter has filed his reply, dated 12.09.2023 and has contended that the impugned advertisement has been published by unknown channel partner, who have done the said act without the consent/approval/information of the respondent-promoter. The respondent-promoter has further contended that he has specifically informed his channel partner not to do any advertisement without mentioning the project registration number and QR Code of the said real

estate project and to use MahaRERA project registration number and QR Code. According to the promoter, the project registration number mentioned in the said advertisement done by channel partner on website <https://anpautographwakad.co.in/>. However, the website mentioned in the advertisement by the channel partner is different. The official website of the promoter is anpautograph.com.

3. Adv. Shilpa Pratap appeared in the matter on behalf of respondent-promoter. She has reiterated the contentions raised out by the promoter in his reply. She has argued that the promoter has not published the impugned advertisement and the said advertisement has been published by unknown channel partner without the consent and approval of the respondent-promoter. She has further argued that there is no violation of the provisions of Section 11(2) of the Real Estate (Regulation & Development) Act, 2016 ( hereinafter referred to as "Act, 2016) and MahaRERA Order No.46/2023 and 46A/2023, as mentioned in the show cause notice by the promoter and therefore, the promoter cannot be held liable for any act done by the channel partner. She has further submitted that the respondent-promoter has lodged a complaint with the Police Inspector, Valewadi Police Station, Pune against the channel partner 'Handpicked Home' for publishing advertisement on instagram of the aforesaid project without the approval, consent and authority of promoter.
4. Considering the contentions of promoter from the reply coupled with the complaint, dated 05.12.2023 lodged with Valewadi Police Station, Pune against channel partner "Handpicked Home", it can be said that the promoter is not liable for publishing the impugned advertisement on 'Instagram' of his project "ANP UNIVERSE". It explicitly indicates that this promoter was not aware of the advertisement published on 'Instagram'. Therefore, it is difficult to hold guilty to the promoter for violating Section 11(2) of the Act, 2016 and the MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No. 46A/2023, dated 25.07.2023.

5. Consequently this is not a fit case to impose penalty in the matter under Section 61 as well as Section 63 of the Act of 2016.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune

