

**SUO MOTU ADVERTISEMENT
CASE NO. 59 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 59 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Godrej Projects Development Ltd

.... Respondent/Promoter

MahaRERA Project Registration No. P51900049757

Coram: Dr Vasant Prabhu, Secretary, MahaRERA

Adv. Deep Morbia appeared for the Promoter.

ORDER

26th July 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 23/05/2023 to the Promoter above named for issuing an advertisement on the website namely - **<https://godrejhorizonmumbai.co.in>** without mentioning the MahaRERA project registration number in regard to the project **"Godrej Horizon Phase II"** bearing MahaRERA registration no. **P51900049757**, situated at Mumbai.
2. During the previous hearing dated 09/06/2023, the Promoter had submitted that the impugned website in question had been registered by Investoxpert Advisors Private Limited (IAPL). Furthermore, the publishers of the impugned website had encouraged viewers to contact specific phone numbers, which upon investigation were found to be associated with IAPL. Hence, it was evident that the impugned website had been published by IAPL, and there was no connection between Godrej Projects Development Ltd and the aforementioned website.
3. Further, the Promoter had informed that IAPL had been served with a cease-and-desist notice dated 30/05/2023. Upon receipt of the notice, IAPL had issued an apology and subsequently taken down the relevant website. The Promoter further stated that IAPL was not a channel partner for the specific project **"Godrej**

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Horizon.”

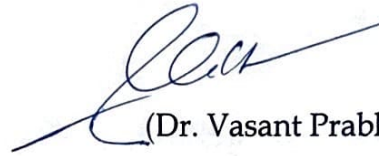
4. Accordingly, the Promoter was directed to submit a detailed report regarding the channel partner’s locus standi within a period of 7 days from the date of hearing.
5. The Promoter through its written submission, asserted that IAPL is a channel partner of Godrej Properties Limited in a general capacity; however, the Promoter clarified that IAPL does not hold the status of a channel partner specifically for the project titled “Godrej Horizon.”
6. In this regard, a hearing was scheduled on 26/07/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter can appear through its representative and make its submissions.
7. During the aforementioned hearing, the Promoter once again clarified that IAPL is not a channel partner for the specific project “Godrej Horizon.” The Promoter also stated that the website in question has been taken down.
8. In this regard, it is necessary to peruse the provision of Section 11(2) of the RERA which reads as under:

“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. Upon interpretation of Section 11(2), it becomes apparent that the Promoter bears the responsibility to conspicuously display the MahaRERA registration number of the Project in any advertisements or prospectus disseminated by them.
10. Notwithstanding the circumstances at hand, The Promoter, herein referred to as **Godrej Projects Development Ltd.**, had not engaged in the dissemination of any

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promotional materials upon the specified website. Instead, the accused third party, IAPL, has perpetrated a deceitful action thereby assuming the role and identity of the Promoter. Consequently, Godrej Projects Development Ltd cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act.

11. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA