

**SUO MOTU ADVERTISEMENT  
CASE NO. 92 OF 2023**

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

**SUO MOTU ADVERTISEMENT CASE NO. 92 OF 2023**

MahaRERA on its Own Motion

.... Complainant

Versus

Rising Sun Impex Private Limited

.... Respondent/Promoter

**MahaRERA Project Registration No. P51900030390**

**Coram: Dr Vasant Prabhu, Secretary, MahaRERA**

Adv. Teja Patil appeared for the Promoter / Respondent.

**ORDER**

27<sup>th</sup> September 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 29/08/2023 to the Promoter above named for issuing a sponsored advertisement by Parmar Properties on Instagram Platform dated 12/08/2023 in regard to their real estate project "**Midtown Bay**," situated at Mahim, Mumbai City, registered with MahaRERA under Project Registration No. **P51900030390** without mentioning the MahaRERA project registration number as well as the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, through its written submission dated 07/09/2023, stated that the said advertisement was issued without their knowledge or consent. The Promoter further stated that on receipt of the said notice, they had immediately informed their registered agent by their letter dated 05/09/2023 to either remove the said advertisement wherever the said advertisement was posted and published and to only post and publish the advertisement once its rectified and is in compliance with the Order No. 46/2023 dated 29/05/2023 and Order No. 46A/2023 dated 25/07/2023 issued by the MahaRERA Authority.
3. In this regard, a hearing was scheduled on 14/09/2023 through video conferencing

**SUO MOTU ADVERTISEMENT  
CASE NO. 92 OF 2023**

as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter could appear through its representative and make its submissions.

4. In the course of aforementioned proceedings, the Promoter articulated that their duly registered channel partner, specifically identified as "Parmar Properties," disseminated the said advertisement on the Instagram platform without obtaining the Promoter's foreknowledge or explicit consent. Additionally, the Promoter stated that the registered channel partner's scope of responsibility was strictly confined to the facilitation of apartment sales.
5. In this regard, it is necessary to peruse the provisions of Section 11(2) of the RERA; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, 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."*

*"MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."*

*"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR code must be published besides the MahaRERA Registration Number and the Website Address. The mandate as mentioned above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority."*

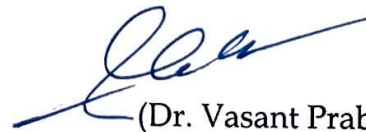
6. Notwithstanding the circumstances of the present case, it has come to light that the Promoter had released an advertisement on Instagram Platform sponsored by their



**SUO MOTU ADVERTISEMENT  
CASE NO. 92 OF 2023**

registered Channel Partner "Parmar Properties" dated 12/08/2023. Furthermore, the Promoter had failed to incorporate the MahaRERA project registration number along with the QR Code within the aforementioned advertisement.

7. Henceforth, it becomes manifestly clear that the Promoter stands in violation of Section 11(2) of the Real Estate (Regulation and Development) Act, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 in as much as the aforementioned advertisement was disseminated by the Promoter's duly registered channel partner. Consequently, the Promoter is jointly and severally liable for the actions of its affiliated channel partner in accordance with the law.
8. In view of the above a penalty of Rs. 50,000/- is imposed upon the Promoter under Section 61 and Section 63 of the RERA for violation of the provisions of Section 11(2) of the Act and for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
9. The said penalty shall be payable by the Promoter within a period of 15 days from the date of this order, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
10. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.
11. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA