

**SUO MOTU ADVERTISEMENT
CASE NO. 97 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 97 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Darshan Properties (Promesa Realty)

....Respondent/Promoter

MahaRERA Project Registration No. P51800046735

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Mr. Mamik Jain a/w Ms. Harshali for the Promoter / Respondent.

ORDER

30th May 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 22.03.2024 to the Promoter above named for issuing an advertisement on Instagram platform dated 22.12.2023 in regard to their real estate project "Promesa Midtown" situated at Mumbai without incorporating the MahaRERA Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, in spite of having received the intimation letter from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
3. In the preceding hearing dated 29.04.2024, the Promoter claimed they had not received the "Advertising Standards Council of India's" intimation letter. However, upon investigating into the matter, it was revealed that ASCI's intimation letter dated 22.03.2024 was sent to their email address registered with the MahaRERA Authority.
4. In this regard, a hearing was scheduled on 30.05.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023,

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wherein the Promoter can appear through its representatives and make its submissions.

5. During the course of the proceedings, the Promoter submitted that due to an inadvertent mistake, the project registration number and the QR code could not be incorporated in the said advertisement.
6. 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.”

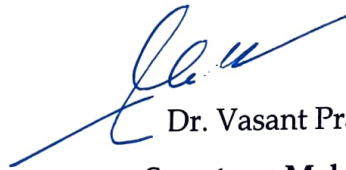
“MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR code must be published besides 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.”

7. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement on Instagram platform dated 22.12.2023. Further, the Promoter had failed to incorporate the MahaRERA Project Registration Number and the QR Code within the aforementioned advertisement.
8. Henceforth, it becomes manifestly clear that the Promoter stands in violation of

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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.

9. In view of the above a penalty of Rs. 50,000/- is imposed upon the Promoter under Sections 61 and 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.
10. The said penalty shall be payable by the Promoter within a period of 15 days from the date the penalty is enforced, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
11. 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.
12. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA