

**SUO MOTU ADVERTISEMENT
CASE NO. 140 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 140 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Properties by Ashish

....Respondent

MahaRERA Agent Registration No. A51800030210

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent.

ORDER

10th June 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 15.02.2024 to the Respondent above named for issuing an advertisement on the Instagram platform dated 22.01.2024 in regard to a real estate project "Prestige City Mulund" situated at Nahur without incorporating the Agent Registration Number, Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Respondent, inspite 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 this regard, a hearing was scheduled on 10.06.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023 wherein the Respondent could have appeared through its representatives and made its submissions.
4. However, during the aforementioned hearing, the Respondent failed to appear even though the notice of hearing and the link for the hearing was duly served upon the

Respondent.

5. In this regard, it is necessary to peruse the provisions of Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46B/2023, which reads as under:

"14(2) Every registered real estate agent shall quote his number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed 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. From the plain reading of the above-mentioned sections, the real estate agent is under obligation to mention the MahaRERA Agent Registration Number along with the Project Registration Number and QR code of the said real estate project in the said advertisement issued by it.
7. In the present case, the Respondent had published an advertisement on the Instagram platform dated 22.01.2024. However, the Respondent failed to incorporate the MahaRERA Agent Registration Number, Project Registration Number and the QR code in the said advertisement.

8. Henceforth, it becomes manifestly clear that the Respondent stands in violation of Rule 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023.
9. In view of the above a penalty of Rs. 25,000/- is imposed upon the Respondent under Sections 65 of the RERA for violation of the provisions of Rule 14(2) of the Act and for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023.
10. The said penalty shall be payable by the Respondent 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