

**SUO MOTU ADVERTISEMENT
CASE NO. 79 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 79 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Keystone Realtors Limited

....Respondent/Promoter

MahaRERA Project Registration No. P51800050269

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared for the Promoter / Respondent.

ORDER

30th May 2024

(Through Video Conferencing)

1. The MahaRERA authority had issued a show cause notice dated 22.08.2023 to the promoter above named for publishing an advertisement on a website namely <https://rustomjeeleon.com/> in respect of your real estate project "Rustomjee Cleon" situated at Andheri, Mumbai Suburban registered with MahaRERA under Project Registration No. P52800050269 without mentioning the MahaRERA project registration number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, through its written submission dated 01.09.2023 stated that the website in question was not the official website of the said project and is neither owned or maintained by the Promoter nor has the same been instituted on the directions of the said Promoter. The Promoter further asserted that they undertook a preliminary investigation, which revealed that the said website was maintained by one Jayson Real Estate.
3. In the preceding hearings dated 01.09.2023 and 14.09.2023, the Promoter remained absent even though the notice of hearing and the link for the hearing was duly served upon the Promoter and therefore in compliance with the principles of natural justice,

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the matter was adjourned to the next date of hearing.

4. In a subsequent reply dated 21.11.2023, the Promoter notified MahaRERA Authority, that by emails dated 28.08.2023 and 02.10.2023 they had requested the said Jayson Real Estate to stop the advertisement and pull down the said website with immediate effect as the same was contrary to the guidelines issued by MahaRERA. Accordingly, the said website has been pulled down by the said Jayson Real Estate.
5. 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, wherein the Promoter could have appeared through its representatives and made its submissions.
6. However, during the hearing, the Promoter once again failed to appear even though the notice of hearing and the link for the hearing was duly served upon the Promoter.
7. In this regard, it is necessary to peruse the provisions of Section 11(2) of the RERA Act and 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."

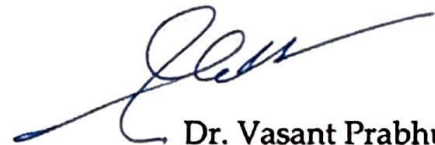
"MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."

"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

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shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority."

8. Considering the Promoter's written submissions, the Promoter, Keystone Realtors Ltd, had not engaged in the dissemination of any promotional materials upon the specified website. Instead, one Jayson Real Estate maintained the said website in question. Further, Jayson Real Estate is not an affiliated channel partner of the Promoter and the said advertisement on the website was published without the Promoter's knowledge and permission. Therefore, the Promoter is not in violation of Section 11(2) of the Real Estate (Regulation and Development) Act and MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023.
9. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA