

**SUO MOTU ADVERTISEMENT
CASE NO. 104 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 104 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Agile Real Estate Pvt. Ltd.

.... Respondent/Promoter

MahaRERA Project Registration No. – Multiple Registered Projects

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Aniket Deshmukh appeared on behalf of the Respondent / Promoter.

ORDER

13th October 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 an advertisement on website namely "<https://www.homesfyrealtyltd.com/parkcity-thane/> in respect of their real estate project "Immensa A to H and Sector 5 Wing C to H, J and K," situated at Thane, registered with MahaRERA under Project Registration Nos. P51700001039, P51700000927, P51700000924, P51700001278, P51700001040, P51700000732, P51700001083, P51700001310, P51700016308, P51700020196, P51700020175 and P51700020264 without incorporating the Quick Response (QR) codes of the said projects in the said advertisement.
2. The Promoter, through its written submission dated 12/10/2023, clarified that the website <https://www.homesfyrealtyltd.com/parkcity-thane/> is not associated with the Promoter or any of its affiliates. They asserted that no authorisation had been granted for the use of the name "Kalpataru" or its logo. Following, an investigation, the Promoter sent a letter dated 25/09/2023 to Homesfy Realty Limited, instructing them to incorporate QR codes in all advertisements and cease the use of the Promoter's name and logo. The Promoter reported that Homesfy Realty Limited promptly rectified the issue and issued an apology for any

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inconvenience caused.

3. In this regard, a hearing was scheduled on 13/10/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter appeared through its representative and made its submissions.
4. During the course of the proceedings, the Promoter asserted that the said advertisement was published by their affiliated channel partner "Homesfy Realty Limited." The Promoter stated that they had issued a notice to the said channel partner regarding the said matter. In response to the notice, the channel partner submitted that the omission of the QR code in the said advertisement was due to inadvertence. The Promoter additionally emphasized that they had furnished the MahaRERA project registration number and the QR code to the channel partner as required.
5. Upon considering the submissions of the Promoter, it was thereby directed to issue a show cause notice to the real estate agent namely "Homesfy Realty Limited."
6. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

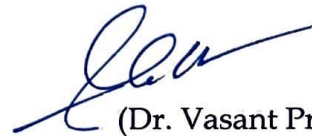
"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR Code must be published besides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

"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

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place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."

7. In accordance with the show cause notice issued to the said Channel Partner "Homesfy Realty Limited," hearing was conducted on 13th October 2023 and penalty of Rs. 50,000/- was imposed upon the Channel Partner for being in contravention of MahaRERA Order No. 46B/2023 dated 21st August 2023 read with MahaRERA Order No. 46/2023 dated 29th May 2023.
8. After thorough deliberation upon Promoter's written submission and contention, it is evident that they were dedicated to rectifying the situation and ensuring compliance with the regulatory provisions set forth by MahaRERA.
9. Therefore, in the present case, the Promoter, herein referred to as **Agile Real Estate Pvt. Ltd.**, had not engaged in the dissemination of any advertisement on a website namely <https://www.homesfyrealtyltd.com/parkcity-thane/>. Consequently, **Agile Real Estate Pvt. Ltd.** cannot be held accountable for the infringement of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023.
10. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA