

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.53 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Pooja Dudeja/Homesca Realtors Pvt.Ltd.

.... Respondent

**MahaRERA Agent Registration No.A52100041007**

**Name of Project :- Pune Hinjewadi KD Asset Builder**

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :-Pooja Dudeja in person

**ORDER**

04<sup>th</sup> June, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter dated 13.02.2024 to the respondent-agent for publishing advertisement on Instagram of a real estate project "Pune-Hinjewadi KD Asset Builder" at Pune thereby informing the respondent-agent that said advertisement considered to be prima facie in violation of MahaRERA regulation since in the said advertisement QR Code is not accessible also it does not contain the MahaRERA Registration number, the MahaRERA website address and Agent Registration number mandated in the MahaRERA Act. The ASCI has further asked the respondent-agent to ensure that the said advertisement complies the MahaRERA Regulation and conform if the said advertisement has been modified or withdrawn no later than February 23, 2024.
2. The ASCI by email dated 15.03.2024 has informed the MahaRERA, Pune Office and reported that there is violation of RERA

Act and regulations on the part of respondent-agent by publishing the said advertisement. Therefore, notice of hearing was served to the respondent-agent for virtual hearing dated 19.04.2024.

3. In response to the notice of hearing, the respondent-agent has appeared in person and furnished reply, dated 19.04.2024. The respondent-agent has contended that she has replied the ASCI on 23.02.2024 and informed that QR redirected to MahaRERA website but access was denied by website and also attached a video proof. It is further contended by the respondent that later on ASCI has sent a mail dated 1<sup>st</sup> March, 2024 thereby acknowledged the updation of QR Code and stated the same is detectable, but the advertisement does not contain MahaRERA registration number and MahaRERA website address and the agent Registration number. The respondent has further contended that when she scanned the QR it was the same, but an unauthorized access came, but when ASCI scanned it, details were opened. She has further contended that on 1<sup>st</sup> March, 2024 she has received email from ASCI and thereafter she has updated the MahaRERA Registration number, the MahaRERA website address and Agent Registration number and replied to ASCI on 7<sup>th</sup> March, 2024. The respondent has further contended that on 14<sup>th</sup> March, 2024 she has received email from ASCI by which it has been informed that on the basis of modification of the said advertisement by respondent-agent, the complaint is closed.
4. Heard respondent Pooja Dudeja in person. She has submitted that the ASCI has accepted the modification in the said advertisement and taken on record as an assurance of compliance and closed the complaint.



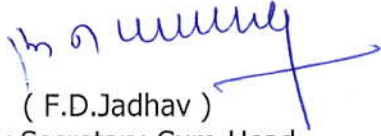
5. At this juncture, section 11(2) of the Act, 2016 is relevant in this matter, which reads as under:

**Sec-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."**

6. On careful perusal of the Section 11(2), it mandates the promoter to mention the website address of the Authority containing all the details of the registered project, registration number and such other matters incidental thereto. The present respondent is a real estate-agent as defined under Section 2 (zm) of the Real Estate (Regulation and Development) Act, 2016 and not the promoter as defined under Section 2(zk) of the Act, 2016. Therefore, Section 11(2) of the Act, 2016 is not applicable to the respondent-agent.

7. So far as the charge of non-inclusion of QR Code in the impugned advertisement published by the respondent-agent is concerned, MahaRERA has issued Order No.46B/2023, dated 21.08.2023 and directed that the directions issued under the MahaRERA Order No. 46/2023, dated 29.05.2023 and 46A/2023, dated 25.07.2023 shall mutatis mutandis apply to all registered real estate agents, and directed to follow the directions in respect of QR Code viz. (i) the real estate shall prominently display the QR Code on each and every project promotion/advertisement published in the mediums as more particularly listed in MahaRERA Order No.46/2023, dated 29.05.2023 (ii) the QR Code must be published in a manner that is legible, readable and detectable with the software application and (iii) the QR Code must be published beside the MahaRERA Registration number. By the said Order No.46B/2023, the amount of penalty for violation of the directions issued in the said Orders has also been prescribed.

8. In this matter, it can be seen from the evidence on record that ASCI has issued mails to the respondent-agent and allowed the respondent-agent time to time to modify or withdraw the said advertisement and lastly on 14<sup>th</sup> March, 2024 ASCI has informed the respondent-agent that on the basis of modification of the said advertisement by her, ASCI has taken it on record as an assurance of compliance and closing the complaint. It indicates that this respondent has complied the directions given by ASCI and by virtue of that this matter was closed by ASCI.
9. Considering the evidence on record and the emails sent by ASCI to the respondent, particularly, email, dated 14<sup>th</sup> March, 2024, whereby the ASCI has informed the respondent-agent that the impugned advertisement has been modified by the respondent and ASCI has taken on record it as an assurance of compliance and closing the complaint, this Authority is of opinion that the respondent-agent has included the QR Code in the impugned advertisement after the directions issued by ASCI and therefore, it can be said there is no violation on the part of the respondent-agent of the directions issued by the MahaRERA under Order No.46B/2023 read with Order No.46/2023. In view of these facts, the question of imposing penalty under Section 65 of the Act, 2016 would not attract in the matter.
10. In view of the above, the present matter stands disposed off accordingly.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune