

**SUO MOTU ADVERTISEMENT
CASE NO. 115 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 115 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

M/s Ashar Ventures

.... Respondent/Promoter

MahaRERA Project Registration No. – P51700047432

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Shrinivas Kalantri 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 22/09/2023 to the Promoter above named for issuing an advertisement on website namely "<https://ashar-pulse-properties.in/> in respect of their real estate project "Ashar Pulse," situated at Thane registered with MahaRERA under Project Registration No. P51700047432 without incorporating the Quick Response (QR) code of the said project in the said advertisement.
2. The Promoter, through its written submission dated 12/10/2023, stated that the said advertisement was not released by them. The Promoter further submitted that the said advertisement was issued by their affiliated channel partner named Mr. Aditya Vaish and that the said website in question was no longer operational.
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 could appear through its representative and make its submissions.
4. During the course of the proceedings, the Promoter submitted that the said website

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in question does not belong to them, and that the website is currently not active. Furthermore, the Promoter affirmed that the website was owned by their affiliated channel partner and had been in operation prior to the issuance of the QR code order.

5. Upon considering the submissions of the Promoter, the Promoter was thereby directed to submit a comprehensive report in the said matter within a period of 15 days from the date of hearing.
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:

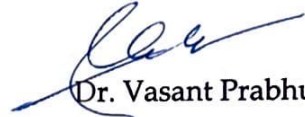
“MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR Code must be published besides 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 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 “Acequare Realty Private Limited,” hearing was conducted on 23rd January 2024 and penalty of Rs. 10,000/- 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

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is evident that they were dedicated to rectifying the situation and ensuring compliance with the regulatory provisions set forth by MahaRERA Authority.

9. Therefore, in the present case, the Promoter, herein referred to as **Ashar Ventures**, had not engaged in the dissemination of any advertisement on a website namely **<https://ashar-pulse-properties.in/>**. Consequently, **Ashar Ventures** 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