

**SUO MOTU ADVERTISEMENT
CASE NO. 99 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 99 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Godrej Properties LLP

.... Respondent/Promoter

MahaRERA Project Registration No. P51800028364

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Ranjeev Carvahlo appeared on behalf of the Respondent / Promoter.

ORDER

14th September 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.homesfy.info/godrej-urban-park/>" in respect of their real estate project "Godrej Urban Park," situated at Kurla, Mumbai Suburban registered with MahaRERA under Project Registration No. P51800028364 without incorporating Quick Response (QR) code of the said project in the said advertisement.
2. The Promoter, through its written submission dated 11/09/2023, stated that upon careful consideration of the contents of the impugned website, it was observed that impugned website was maintained by Homesfy Realty Limited. Furthermore, the publishers of the impugned website had called upon its viewers to call on certain numbers. Upon calling on the said numbers, it was learned that the numbers belonged to Homesfy and not to Godrej Properties Ltd.
3. The Promoter further stated that Homesfy is a Real Estate Agent for the project, but the scope of service was limited to merely sale of units in the project, as a sales associate for an agreed consideration. The Promoter asserted that at no given point in time, they permitted Homesfy to launch, maintain and operate the impugned

website for the project.

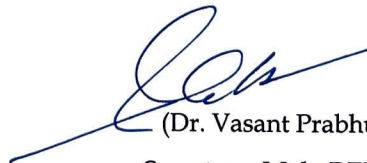
4. Furthermore, the Promoter submitted that the impugned website had been created by Homesfy at its own instance without any permission from Godrej Properties Ltd. Accordingly, a cease and desist notice was issued to Homesfy on 6th September 2023 whereby Homesfy was called upon to cease and desist promotion of any and all projects without prior express written authorisation; to remove and take down the impugned website and to tender an unconditional apology with an undertaking that the said action would not be repeated at any time in future.
5. In this regard, a hearing was scheduled on 14/09/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the Promoter can appear through its representative and make its submissions.
6. During the course of the proceedings, the Promoter had submitted that the said advertisement published on the said website in question had been issued by a real estate agent namely "Homesfy Realty Ltd." The Promoter further asserted that at no given point, Godrej Properties Ltd permitted Homesfy Realty Ltd to launch, maintain and operate the impugned website for the project.
7. Upon considering the submissions of the Promoter, it was thereby directed to issue show cause notice to the real estate agent namely "Homesfy Realty Ltd."
8. 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

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CASE NO. 99 OF 2023**

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."

9. In accordance with the show cause notice issued to the said Channel Partner "Homesfy Realty Ltd," hearing was conducted on 13th October 2023 and penalty of 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.
10. 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.
11. Therefore, in the present case, the Promoter, herein referred to as **Godrej Properties Ltd.**, had not engaged in the dissemination of any advertisement on a website namely <https://www.homesfy.info/godrej-urban-park/>. Consequently, **Godrej Properties Ltd.** cannot be held accountable for the infringement of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023.
12. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)
Secretary, MahaRERA