

**SUO MOTU ADVERTISEMENT
CASE NO. 74 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 74 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Mahindra Lifescape Developers Limited

.... Respondent/Promoter

MahaRERA Project Registration No: -

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Khyati Sheth appeared on behalf of the Respondent / Promoter.

ORDER

1st September 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 21/07/2023 to the Promoter above named for issuing an advertisement on Instagram platform sponsored by "Next Iconic Project" in respect of their real estate project situated at Kandivali without mentioning the MahaRERA project registration number in the said advertisement.
2. The Promoter, through its written submission dated 07/08/2023 clarified that the Promoter had not registered with the MahaRERA Authority any real estate project which is situated in Kandivali. In furtherance, the Promoter further stated that they had not published the said advertisement on the social media. The Promoter submitted that the said advertisement was published by "Next Iconic Project," which is an unknown source/third party, who is not connected to and/or associated with the Company.
3. In this regard, a hearing was scheduled on 01/09/2023 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.

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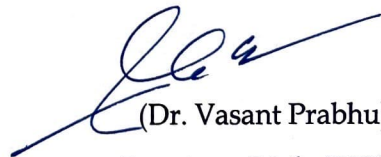
4. During the aforementioned proceedings, the Promoter asserted that the advertisement under scrutiny was not disseminated by the Promoter. The aforementioned advertisement was published by an undisclosed entity, referred to as "Next Iconic Project," without the Promoter's cognizance. Furthermore, the Promoter declared that, to date, they have no imminent projects located in Kandivali. It was also emphasized by the Promoter that the entity "Next Iconic Project" is not affiliated with them as a channel or media partner.
5. Considering the above circumstances, the Promoter was directed to submit a detailed report outlining the actions taken within a period of 15 days from the date of hearing.
6. Accordingly, the Promoter, through its written submission dated 11/09/2023, stated that they have filed a written complaint before the Deputy Commissioner of Police (Cyber Crime) of Cyber Police Station at BKC on 6th September 2023. The Promoter further stated that they have also filed an online complaint against the third-party publisher /unknown source on the above at https://mumbaipolice.gov.in/OnlineComplaints?ps_id=0. The copy of the complaint with acknowledgement from the Cyber Police Station and the copy of the online complaint were also filed along with the written submission.
7. The Promoter further asserted that they had attempted to reach out to the third-party publisher/unknown source directly to address the concerns and violations under the TradeMarks Act 1999 and the RERA. However, the Instagram account by the name of "Next Iconic Projects" could be tracked as the account was not in existence anymore.
8. In this regard, it is necessary to peruse the provision of Section 11(2) of the RERA 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

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number obtained from the Authority and such other matters incidental thereto."

9. Upon interpretation of Section 11(2), it becomes apparent that the Promoter bears the responsibility to conspicuously display the MahaRERA registration number of the project in any advertisements or prospectus disseminated by them.
10. After thorough deliberation upon Promoter's contention, it is evident that they are 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 **Mahindra Lifescape Developers Limited**, had not engaged in the dissemination of any advertisement on the Instagram platform. Consequently, **Mahindra Lifescape Developers Limited** cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act.
12. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)

Secretary, MahaRERA