

**SUO MOTU ADVERTISEMENT  
CASE NO. 81 OF 2023**

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

**SUO MOTU ADVERTISEMENT CASE NO. 81 OF 2023**

MahaRERA on its Own Motion

.... Complainant

Versus

Lokhandwala Kataria Construction Private Limited .... Respondent/Promoter

**MahaRERA Project Registration No. P51900008204**

**Coram: Dr. Vasant Prabhu, Secretary, MahaRERA**

Adv. Anil Rao appeared on behalf of the Respondent / Promoter.

**ORDER**

01<sup>st</sup> September 2023

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 22/08/2023 to the Promoter above named for issuing an advertisement on website namely "<https://www.minervamahalaxmi.com/>" in respect of their real estate project "Minerva," situated at Mahalaxmi, Mumbai registered with MahaRERA under Project Registration No. P51900008204 without mentioning the MahaRERA project registration number as well as the Quick Response (QR) code of the said project in the said advertisement.
2. The Promoter, through its written submission dated 29<sup>th</sup> August 2023, stated that they were unaware of any such website namely <https://www.minervamahalaxmi.com> in respect of their real estate project "Minerva." The Promoter asserted that upon making inquiries, they found that the said website was been created by some unknown person named Vishal Changani and the said person had created the said website without their permission and is illegally using their project name and name and logo of their Marketing Manager M/s. Nuevo Consultancy Services Private Limited. The Promoter further stated that they have asked their IT department to find out the creator of the website so that legal notice to remove the said website can be sent to them.

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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.
4. During the aforementioned proceedings, the Promoter asserted that the said advertisement in question was not disseminated by them. Additionally, it was clarified that the said website does not belong to the Promoter. The Promoter submitted that both the website and the advertisement therein have been promulgated by an external broker, devoid of their awareness or authorisation, and this external broker is in no manner associated with Lokhandwala Kataria Construction Group.
5. After considering the submissions of the Promoter, the Promoter was thereby directed to file a police complaint against the offender and to furnish a comprehensive report outlining the actions taken within a period of 15 days from the date of hearing.
6. In this regard, it is necessary to peruse the provisions of Section 11(2) of the RERA; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, 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 number obtained from the Authority and such other matters incidental thereto."*

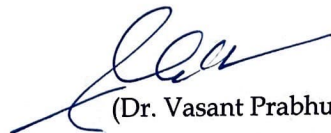
*"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR Code must be published besides 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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*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. The Promoter, through its written submission dated 08/09/2023, stated that they have lodged a police complaint dated 01/09/2023 with Senior Police Inspector, Worli Police Station, Worli, Mumbai.
8. 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.
9. Therefore, in the present case, the Promoter, herein referred to as **Lokhandwala Kataria Construction Private Limited**, had not engaged in the dissemination of any advertisement on a website namely <https://www.minervamahalahaxmi.com/> Consequently, **Lokhandwala Kataria Construction Private Limited** cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act; 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