

**SUO MOTU ADVERTISEMENT
CASE NO. 82 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 82 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

MIG (Bandra) Realtors & Builders Private Limited

.... Respondent/Promoter

MahaRERA Project Registration No. P51800004889

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Pankaj Rajmachikar appeared on behalf of the Respondent / Promoter.

ORDER

01st 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://adani.adminrealty-mumbai.com/>" in respect of their real estate project "Ten BKC," situated at Andheri, Mumbai registered with MahaRERA under Project Registration No. P51800004889 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 29/08/2023, stated that the said website in question was neither owned by us, or Radius Estates & Developers Pvt. Ltd. and/or Adani Goodhomes Pvt. Ltd. The Promoter further submitted that they are investigating who the owner of the above portal is and they shall take necessary action to bring down the material posted on the portal without their consent.
3. Furthermore, the Promoter, through its written submission dated 31st August 2023, stated that the owner of the portal appears to be <http://www.adminrealty.com/> and that the LinkedIn shows that one Mr. Sandeep Sharma is the Director.

**SUO MOTU ADVERTISEMENT
CASE NO. 82 OF 2023**

4. 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.
5. During the aforementioned proceedings, the Promoter asserted that the said advertisement in question was not disseminated by them. Furthermore, it was clarified that the website does not belong to the Promoter. Additionally, the Promoter declared that they have ascertained the identity of the offender, who is not a duly registered channel partner of them.
6. 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.
7. 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."

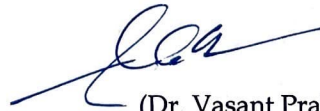
"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR Code on each and every project promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software application. The QR Code must be published besides 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 Authority."

"MahaRERA Order No. 46A/2023 with effect from 01.08.2023, Promoter shall

**SUO MOTU ADVERTISEMENT
CASE NO. 82 OF 2023**

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."

8. The Promoter, through its written submission dated 14/09/2023, stated that they have filed a police complaint before the Cyber Police Station, against the advertisement issued on the website <https://adani.adminrealty-mumbai.com> for their project "Ten BKC" without their consent.
9. 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.
10. Therefore, in the present case, the Promoter, herein referred to as **MIG (Bandra) Realtors & Builders Private Limited**, had not engaged in the dissemination of any advertisement on a website namely <https://adani.adminrealty-mumbai.com/> Consequently, **MIG (Bandra) Realtors & Builders 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.
11. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA