

**SUO MOTU ADVERTISEMENT
CASE NO. 86 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 86 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

L&T Asian Realty Project LLP

.... Respondent/Promoter

MahaRERA Project Registration No. P51800023075

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Anulata Saudankar appeared on behalf of the Respondent / Promoter.

ORDER

24th November 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.homesfyrealty.com/Int-rejuve360/>" in respect of their real estate project "Rejuve 360 - Tower A," situated at Kurla, Mumbai Suburban registered with MahaRERA under Project Registration No. P51800023075 without incorporating Quick Response (QR) code of the said project in the said advertisement.
2. The Promoter, inspite of receiving the show cause notice dated 22/08/2023, failed to show cause the same within the stipulated time period mentioned in the show cause notice.
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 course of the proceedings, the Promoter had submitted that the said advertisement on the said website in question did not belong to the Promoter.

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Further, the Promoter had requested for time to file their reply on record and take necessary actions.

5. Upon considering the Promoter's submissions, 15 days' time-period was granted to file reply 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."

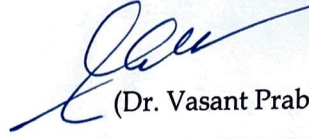
7. The Promoter, through its written submission dated 8th September 2023, had stated that the aforesaid website mentioned in the said show cause notice did not belong to them and neither are they owners nor have any control over the said website.
8. The Promoter had further claimed that the website mentioned in the show cause notice is owned by their Channel Partner i.e., Homesfy Realty Limited, and therefore they did not have any control or authorisation over the same. The Promoter had also stated that they had issued notice to the said Channel Partner and called upon them to take necessary actions as per RERA Order No. 46B/2023 dated 21st August 2023 and immediately display the QR code on website and related advertisements.

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9. The Promoter had also stated that the said Channel Partner had confirmed that they had immediately uploaded the QR code on their website and complied with the RERA Order No. 46B/2023 dated 21st August 2023.
10. The Promoter had further submitted that they had already complied with the mandates of the MahaRERA Order No. 46/2023 on their website i.e., <https://www.1ntrealty.com/> and that they had been using the QR code on their website from 28th July 2023. The Promoter had also annexed a printout of their website reflecting QR code and back-end application report with time stamp of QR code.
11. Upon considering the written submission of the Promoter, the Promoter's Channel Partner "Homesfy Realty Limited," was issued a show cause notice for not mentioning the QR code in the said advertisement published on the said website. In accordance with the same, hearing was conducted on 13th October 2023 and a penalty of Rs. 50,000/- was imposed upon the Channel Partner for being in contravention of Order No. 46B/2023 dated 21st August 2023 read with Order No. 46/2023 dated 29th May 2023.
12. 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.
13. Therefore, in the present case, the Promoter, herein referred to as **L&T Asian Realty Project LLP**, had not engaged in the dissemination of any advertisement on a website namely <https://www.homesfyrealty.com/1nt-rejuve360/>.
14. Consequently, **L&T Asian Realty Project LLP** cannot be held accountable for the infringement of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023.

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15. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA