

**SUO MOTU ADVERTISEMENT
CASE NO. 83 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 83 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Alder Residency Private Limited

.... Respondent/Promoter

MahaRERA Project Registration No. P51800034531

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Aniket Deshmukh 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.kalpataru-vivant.co.in/> in respect of their real estate project "Kalpataru Vivant - South Wing B," situated at Andheri, Mumbai registered with MahaRERA under Project Registration No. P51800034531 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 the preceding hearing, dated 01/09/2023, the Promoter had submitted that the said advertisement and the said website in question did not belong to them. Furthermore, the Promoter had stated that they were in the process of investigating the matter and shall file a police complaint in due course.
4. After considering the submissions of the Promoter, the Promoter was thereby guided to ascertain whether the said advertisement was published by any of their

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registered channel or media partners with the knowledge and permission of the Promoter. The Promoter was also directed to take stringent action against the offender and to furnish a comprehensive report outlining the actions taken within a period of 15 days from the date of hearing.

5. The Promoter, through its written submission dated 26/10/2023, stated that they had initiated investigation in the matter and pursuant to the aforesaid show cause notice dated 22/08/2023, they had issued a letter dated 22/09/2023 to Homesfy Realty Limited for publishing the said website in question without any authority, permission or consent of the Promoter. The Promoter further submitted that Homesfy Realty Limited had taken all corrective action and blocked and discontinued the website <http://www.kalpataru-vivant.co.in/> which is no longer active and operational.
6. In this regard, a hearing was scheduled on 24/11/2023 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.
7. During the aforementioned proceedings, the Promoter submitted that the said advertisement on the website in question was issued by a Real Estate Agent namely, Homesfy Realty Limited. The Promoter further stated that Homesfy Realty Limited is not a channel partner for the said project and that the said advertisement was given without the Promoter's authorisation. The Promoter also stated that a notice dated 22/09/2023 was issued to Homesfy Realty Limited.
8. The Promoter further asserted that Homesfy Realty Limited has blocked and discontinued the said website in question.
9. After considering the submissions of the Promoter, it was hereby directed to issue notice to the Real Estate Agent Homesfy Realty Limited for issuing the said advertisement on the said website in question without incorporating the QR code of the real estate project in the advertisement.

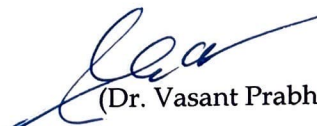
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10. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

"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."

11. After thorough deliberation upon Promoter's contention, it is evident that they were dedicated to rectifying the situation and ensuring compliance with the regulatory provisions set forth by MahaRERA.
12. Therefore, in the present case, the Promoter, herein referred to as **Alder Residency Private Limited**, had not engaged in the dissemination of any advertisement on a website namely <https://www.kalpataru-vivant.co.in/> Consequently, **Alder Residency Private Limited** cannot be held accountable for the infringement of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023.
13. In view of the above, the present case stands disposed of.


(Dr. Vasant Prabhu)
Secretary, MahaRERA