

**SUO MOTU ADVERTISEMENT
CASE NO. 84 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 84 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Caroa Properties LLP

.... Respondent/Promoter

MahaRERA Project Registration No. P52000049669

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None 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://approvedproject.com/godrej-hillscape-panvel/>" in respect of their real estate project "Tower 5, The Highlands, Godrej City, Panvel," situated at Khalapur, Raigarh, Mumbai registered with MahaRERA under Project Registration No. P52000049669 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 requested for a short date to file their reply on record. In accordance with the same, seven days' time-period was granted to file reply from the date of hearing.
4. The Promoter, through its written submission dated 31/08/2023, stated that the website/domain under question, is not associated, allied and/or related to Caroa

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and/or Godrej and/or any of its partners in any manner whatsoever. The Promoter submitted that upon careful consideration of the contents of the impugned website, it was observed that the impugned website explicitly disclaims itself to be under the use and ownership of an entity known as "Relation." Upon further investigation into the ownership of the said entity revealed that the impugned website was registered by Propweb Realty Services Private Limited.

5. Further, the Promoter stated that a cease-and-desist notice was issued to Propweb on 30th August 2023 whereby Propweb was called upon to cease and desist promotion of any and all projects of Caroa without prior express written authorisation by Caroa; to remove and take down the impugned website; and to tender an unconditional apology in writing.
6. The Promoter further stated that Propweb is a real estate agent for the said project and the scope of service of Propweb is limited to sale of units in the said project merely, as a sales associate for an agreed consideration and at no given point in time, Propweb has been permitted to promote their project without their express written consent.
7. The Promoter also asserted that on 31st August 2023, Propweb tendered an unconditional apology for displaying the details of the project without the explicit written consent of Caroa.
8. 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.
9. The Promoter failed to appear, even though the notice of hearing and the link for the hearing was duly served upon the Promoter.
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:

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"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.

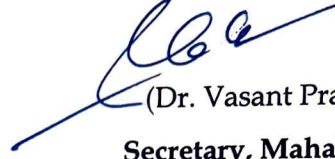
"MahaRERA Order No. 46A/2023 with effect from 01.08.2023, Promoter shall prominently display the QR code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."

11. Upon considering the written submission of the Promoter, the Promoter's Channel Partner "Propweb Realty Services Pvt. Ltd.," 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 24.11.2023 and a penalty of Rs. 50,000/- was imposed upon the Channel Partner for being in contravention of Order No. 46B/2023 dated 21.08.2023 read with Order No. 46/2023 dated 29.05.2023.
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 **Caroa Properties LLP**, had not engaged in the dissemination of any advertisement on a website namely <https://approvedproject.com/godrej-hillscape-panvel/>.
14. Consequently, **Caroa Properties LLP** cannot be held accountable for the infringement of MahaRERA Order No. 46/2023 read with MahaRERA Order No.

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46A/2023.

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



(Dr. Vasant Prabhu)

Secretary, MahaRERA