

**SUO MOTU ADVERTISEMENT
CASE NO. 156 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 156 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

Dosti Enterprises

[Dosti Nest, Balkum]

.... Respondent/Promoter

**MahaRERA Project Registration No. P51700049724/ P51700033663/ P51700033640/
P51700050253**

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Ashish Mashru appeared for the Promoter / Respondent.

ORDER

08th December 2023

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 01.11.2023 to the Promoter above named for issuing an advertisement on Instagram Platform dated 12.08.2023 in regard to their real estate project "Dosti Nest, Balkum" situated at Thane. Even though the said advertisement contains the MahaRERA project registration numbers and QR codes of the said project, these are not legible and the QR codes are not detectable.
2. The Promoter, inspite of having received the intimation letter from the "Advertising Standards Council of India" failed to comply with MahaRERA regulations and modify or withdraw the said advertisement.
3. In this regard, a hearing was scheduled on 08.12.2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter could appear through its representatives and make its submissions.

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4. During the course of the proceedings, the Promoter submitted that the said advertisement was a video advertisement, published on Instagram platform and the same had been withdrawn in the first week of December. The Promoter additionally affirmed that the MahaRERA registration numbers and QR codes were explicitly mentioned in the said advertisement, and that the QR codes were both detectable and operational. Further, the Promoter stated that the said advertisement being a video advertisement, the QR codes could only be detectable when the video was paused at the precise time within the correct frame.
5. After hearing the arguments of the Promoter, the Promoter was thereby directed to submit the said video advertisement in question on record of MahaRERA Authority.
6. In compliance of the said directions, the Promoter submitted the Instagram advertisement for verification and record.
7. On perusal of the said video advertisement, published on Instagram platform, it is evident that in the advertisement, MahaRERA project registration numbers and QR codes are mentioned. Furthermore, when the video was paused at the precise time and within the correct frame, the QR code gets detected and is operational.
8. 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."

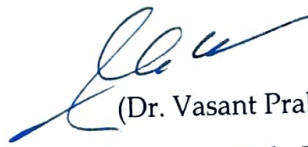
"MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."

"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR

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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."

9. Notwithstanding the circumstances of the present case, it has come to light that the Promoter had published a video advertisement on Instagram platform dated 12.08.2023. Further, the Promoter had incorporated the MahaRERA project registration numbers and the QR Codes within the aforementioned advertisement.
10. Henceforth, it becomes manifestly clear that the Promoter is not in violation of Section 11(2) of the Real Estate (Regulation and Development) Act, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
11. In view of the above, the present case stands disposed of.



(Dr. Vasant Prabhu)

Secretary, MahaRERA