

**SUO MOTU ADVERTISEMENT
CASE NO. 123 OF 2024**

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI

SUO MOTU ADVERTISEMENT CASE NO. 123 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Rasheed Wasif

....Respondent

MahaRERA Agent Registration No. A51700038378

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Mr. Salman Wasif appeared for the Respondent

ORDER

30th May 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 21.02.2024 to the Respondent above named for issuing an advertisement on Instagram platform dated 17.01.2024 in respect of a real estate project, situated at Mira Road, Thane without mentioning the MahaRERA Agent Registration Number, Project Registration Number and without incorporating the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Respondent, inspite of having received the intimation letter from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement.
3. In this regard, a hearing was scheduled on 30.05.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter can appear through its representatives and make its submissions.
4. During the course of the proceedings, the Respondent submitted that the said advertisement in question was deleted upon receipt of the intimation letter from "The

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Advertising Standards Council of India" but was unable to promptly inform ASCI regarding the deletion of advertisement.

5. Upon considering the submissions of the Respondent, the Respondent was thereby directed to submit a comprehensive report in the said matter along with supporting documents within a period of 7 days from the date of hearing.
6. In compliance with directions issued during the hearing, the Respondent, through its written submissions dated 05.07.2024 submitted that the said advertisement in question was withdrawn upon receipt of Advertising Standards Council of India's intimation letter. However, the Respondent failed to notify ASCI. The Respondent stated that upon realising the oversight, he contacted an ASCI team member over phone and was subsequently instructed to confirm the deletion of the advertisement via email. Further, the Respondent promptly complied, submitting the necessary confirmation and details through email within seven days. The Respondent also annexed the email correspondence between himself and ASCI to the written submission submitted to MahaRERA to substantiate these actions.
7. In this regard, it is necessary to peruse the provisions of Section 14(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017; MahaRERA Order No. 46B/2023 dated 21.08.2023 read with MahaRERA Order No. 46/2023 dated 29.05.2023 which reads as under:

"14(2) Every registered real estate agent shall quote his number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."

"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed 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."

8. From the plain reading of the above-mentioned sections, the real estate agent is under obligation to mention the agent registration number along with the project registration number and QR code of the said real estate project in the said advertisement issued by it.
9. In the present case, the Respondent had published an advertisement on the Instagram platform dated 17.01.2024. Further, the Respondent had failed to mention the agent registration number, project registration number and incorporate the QR Code within the aforementioned advertisement.
10. However, post receiving the Advertising Standards Council of India's intimation letter dated 21.02.2024, the Respondent deleted the said advertisement published on Instagram platform within the time limit mentioned in the Advertising Standards Council of India's intimation letter.
11. Therefore, it is evident that the Respondent initially violated the Rules 14(2) of the Rules and Order No. 46B/2023 read along with Order No. 46/2023. However, after receiving an intimation letter from the Advertising Standards Council of India, the Respondent deleted the said advertisement in question within the time frame specified by ASCI.
12. Since the advertisement in question has been deleted, the Respondent cannot be held in contravention of the Rules 14(2) of the Rules and Order No. 46B/2023 read along with Order No. 46/2023.

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



Dr. Vasant Prabhu
Secretary, MahaRERA