

**SUO MOTU ADVERTISEMENT  
CASE NO. 142 OF 2024**

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI

**SUO MOTU ADVERTISEMENT CASE NO. 142 OF 2024**

MahaRERA on its Own Motion

.... Complainant

Versus

Kartik Dawda

....Respondent

**MahaRERA Agent Registration No. A51800037259**

**Coram: Dr. Vasant Prabhu, Secretary, MahaRERA**

The Respondent appeared in person.

**ORDER**

10<sup>th</sup> June 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 27.03.2024 to the Respondent above named for issuing an advertisement on the Instagram platform dated 09.01.2024 in respect of a real estate project, situated at 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 10.06.2024 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 Advertising Standards

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Council of India's intimation letter. Further the Respondent asserted that the Agent Registration Number is mentioned in his Instagram's bio.

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 the hearing.
6. In compliance with the directions issued during the hearing, the Respondent, through its written submission dated 17.06.2024 submitted that the apartment shown in the advertisement video was merely used as a prop to market various properties in particular locations. Furthermore, the Respondent contended that the advertisement was an educational advertisement regarding multiple options in particular locations within certain price range to attract customers.
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."*

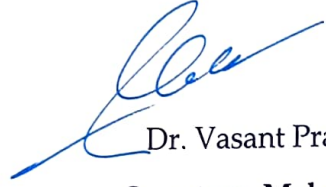
*"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed in MahaRERA Order No. 46/2023 dated 29.05.2023."*

*"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR 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 Instagram platform dated 09.01.2024. Further, the Respondent had failed to incorporate the agent registration number, project registration number and the QR code within the aforementioned advertisement.
10. However, post receiving the Advertising Standards Council of India's intimation letter dated 27.03.2024, the Respondent deleted the said advertisement published on Instagram platform on 07.04.2024, which was prior to the date (i.e. 08.04.2024) 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 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.

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



Dr. Vasant Prabhu  
Secretary, MahaRERA