

**SUO MOTU ADVERTISEMENT
CASE NO. 133 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 133 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Bhavesh Kaware

....Respondent

MahaRERA Agent Registration No. A51900037622

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Akshay Bankapur for the Respondent.

ORDER

14th August 2024

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 02.05.2024 to the Respondent above named for issuing an advertisement on the Instagram platform dated 16.11.2023 in regard to a real estate project situated at Ghodbunder Road, Thane without incorporating the MahaRERA Agent Registration Number, Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Respondent, through its written submission, asserted that the agent registration number is prominently mentioned in all the advertisements. Further, the Respondent states that in the advertisement dated 16.11.2023, no real estate project has been endorsed. The said video advertisement was not a project promotional video, and the said advertisement was posted with the intention of attracting potential buyers to engage the services of the Respondent.
3. The Respondent further submits that no real estate project, company, developer is being promoted by him and that the advertisement has been published only for the purpose of attracting potential buyers in the areas mentioned in the said advertisement.

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4. In the preceding hearing dated 30.05.2024, the Respondent submitted that the said advertisement did not pertain to any particular real estate project but was an invitation to attract potential buyers in the area of Thane. Additionally, the Respondent asserted that the said advertisement was modified in compliance with MahaRERA's rules and regulations upon receipt of MahaRERA's show cause notice.
5. Upon considering the submissions of the Respondent, the Respondent was thereby directed to submit a comprehensive report along with supporting documents within a period of 7 days from the date of the hearing.
6. In compliance with the directives issued in the preceding hearing dated 30.05.2024, the Respondent, through its written submission dated 12.07.2024, asserted that no real estate project was endorsed. The said video advertisement was not a project promotional video, and the said advertisement was posted with the intention of attracting potential buyers to engage the services of the Respondent.
7. In this regard, a hearing was scheduled on 26.07.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Respondent can appear through its representatives and make its submissions.
8. During the aforementioned hearing, the Respondent submitted that the said advertisement did not pertain to any particular real estate project but was an invitation to attract potential buyers in the area of Thane. Additionally, the Respondent asserted that the said advertisement was modified in compliance with MahaRERA's rules and regulations.
9. Upon reviewing the said modified advertisement, it was noted that the MahaRERA agent registration number was mentioned in the advertisement. However, the project registration number and QR code were still not incorporated within the modified advertisement.

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10. 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."

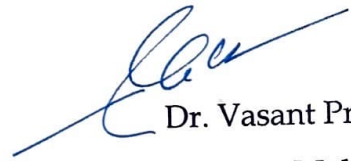
"MahaRERA Order No. 46B/2023 Real estate agents shall prominently display QR code on each and every real estate promotion/advertisement published in the mediums as more specifically listed in MahaRERA Order No. 46/2023 dated 29.05.2023."

"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."

11. In the present case, the Respondent had published an advertisement on the Instagram platform dated 16.11.2023. However, the Respondent had failed to incorporate the project registration number and QR code in the said advertisement.
12. Henceforth, it becomes manifestly clear that the Respondent stands in violation of Rule 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, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023.

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13. In view of the above a penalty of Rs. 5,000/- is imposed upon the Respondent under Sections 65 of the RERA for violation of the provisions of Rule 14(2) of the Act and for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 21.08.2023.
14. The Technical and Finance Departments of the MahaRERA Authority are mandated to authenticate the payment of the penalty prior to initiating the processing of any applications, including but not limited to extensions, corrections, and change of name, pertaining to the specified project.
15. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA