

**SUO MOTU ADVERTISEMENT
CASE NO. 163 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 163 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Darshan Properties

....Respondent/Promoter

MahaRERA Project Registration No. P51900047226

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Anwar Landge a/w Mr. Roby Jain for the Promoter / Respondent.

ORDER

14th August 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 24.04.2024 to the Promoter above named for issuing an advertisement on the Instagram platform dated 15.02.2024 in regard to their real estate project "Promesa Fremont" situated at Mumbai without incorporating the MahaRERA Project Registration Number and the Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, through its written submission dated 14.06.2024 stated that neither they nor any of their affiliated sales representatives have advertised the said project without incorporating the required project registration number and QR code.
3. In the preceding hearing dated 19.06.2024, the Promoter asserted that the advertisement in question did not belong to them. Additionally, they mentioned that they are investigating the matter.
4. Upon considering the submissions of the Promoter, the Promoter was thereby directed to take stringent action against the offender and furnish a comprehensive report in the said matter along with supporting documents within 7 days from the

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date of hearing.

5. However, the Promoter failed to take stringent action against the offender and furnish a comprehensive report in the said matter within the given time period.
6. 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.
7. During the aforementioned hearing, the Promoter submitted that their internal inquiry revealed one of their affiliated sales representatives had published the said advertisement in question on the Instagram platform. The Promoter further asserted that due to an unintentional oversight, the project registration number and QR code could not be incorporated in the said advertisement.
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."

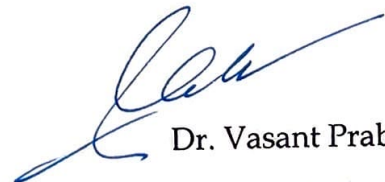
"MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023."

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

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may be directed by the Authority."

9. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement on the Instagram platform dated 15.01.2024. Further, the Promoter had failed to incorporate the Project Registration Number and the QR Code within the aforementioned advertisement.
10. Henceforth, it becomes manifestly clear that the Promoter stands 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 a penalty of Rs. 25,000/- is imposed upon the Promoter under Sections 61 and 63 of the RERA for violation of the provisions of Section 11(2) of the Act and for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.
12. 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.
13. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA