

**SUO MOTU ADVERTISEMENT
CASE NO. 179 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 179 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Amiq Siddiqi

....Respondent

MahaRERA Agent Registration No. A51800033978

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

None appeared on behalf of the Respondent.

ORDER

19th June 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 29.04.2024 to the Respondent above named for issuing a video advertisement on the Instagram platform dated 09.04.2024 in regard to a real estate project "Sapphire Dotom Isle" situated at Borivali without incorporating the Agent Registration Number and 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 19.06.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023 wherein the Respondent could have appeared through its representatives and made its submissions.
4. However, during the aforementioned hearing, the Respondent failed to appear even though the notice of hearing and the link for the hearing was duly served upon the

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Respondent.

5. In this regard, it is necessary to peruse the provisions of Section 9(5) of the Real Estate (Regulation and Development) Act, 2016; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46B/2023, which reads as under:

"9(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act."

"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."

6. From the plain reading of the above-mentioned section and orders, the real estate agent is under obligation to mention the agent registration number along with the QR code of the said real estate project in the said advertisement issued by it.
7. In the present case, the Respondent had published an advertisement on the Instagram platform dated 09.04.2024. However, the Respondent had failed to incorporate the MahaRERA Agent Registration Number and the QR code in the said advertisement.
8. Henceforth, it becomes manifestly clear that the Respondent stands in violation of Section 9(5) of the Real Estate (Regulation and Development) Act, 2016, in conjunction with MahaRERA Order No. 46/2023 dated 29.05.2023 read with

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MahaRERA Order No. 46B/2023 dated 21.08.2023.

9. In view of the above a penalty of Rs. 10,000/- is imposed upon the Respondent under Sections 62 and 65 of the RERA for violation of the provisions of Section 9(5) 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.
10. The said penalty shall be payable by the Respondent within a period of 15 days from the date the penalty is enforced, failing which a further penalty of Rs. 1,000/- per day would be imposed till compliance.
11. 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.
12. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu

Secretary, MahaRERA