

**SUO MOTU ADVERTISEMENT
CASE NO. 148 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 148 OF 2023

MahaRERA on its Own Motion

.... Complainant

Versus

K Raheja Realty Private Limited

.... Respondent/Promoter

MahaRERA Project Registration No. - NA

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Ms. Sangeeta Lanjewar appeared for the Promoter/Respondent

ORDER

19th June 2023

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 31.10.2023 to the Promoter above named for issuing an advertisement on Facebook Platform, dated 29.10.2023 in regard to their real estate project "Raheja Residency" situated at Mumbai without incorporating the 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 08.11.2023 stated that the said advertised project had received occupation certificate and building completion certificate on or before 9th July 2021 from the Competent Authority and thus, the said project is a completed project. The Promoter further stated that only after obtaining occupation certificate of the said project, they have promoted and/or marketed the said project. As the said project was complete, therefore, the captioned advertisement contained "Ready Possession", "OC Received" and "No GST."
3. In this regard, a hearing was scheduled on 08.12.2023 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 aforementioned hearing, the Promoter submitted that occupancy certificates for all five wings have been obtained. Wing D obtained its OC on 09.03.2015; Wing E on 15.02.2016; Wing F on 08.05.2019; Wing G on 24.06.2021. It was emphasized that the project was only advertised after obtaining the occupancy certificates. Prior to receiving the certificates, no sales transactions occurred, and no sale agreements were registered. Notably, even after the implementation of RERA, no apartments were sold until the occupancy certificates were acquired.

5. 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."

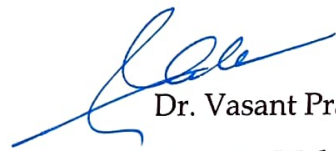
"MahaRERA Order No. 46/2023 The Promoter shall prominently display QR code on each and every project promotion/ advertisement published after 01.08.2023. The QR code must be published in a manner that is legible, readable, and detectable with software application. The QR code must be published besides 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 may be directed by the Authority."

6. The Promoter, through its subsequent written submission stated that the said advertisement post on Instagram pertains to the buildings in Raheja Residency project i.e. Buildings D, E, F, G, and H which are all having full occupation certificates. Further, the club house structure in Interface Heights has obtained full

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OC on 30.05.2016 and therefore, the question of displaying registration numbers and QR codes does not arise.

7. Further, the Promoter contended that the captioned advertisement of the said projects appearing on Facebook carried "Ready Possession", "OC Received" and "No GST" in respect of the said five separate buildings/project i.e. "Building D, Building E, Building F, Building G and Building H, as the aforesaid five buildings/project are completed with full occupation certificates.
8. Additionally, the Promoter also submitted that they have promoted, marketed and sold each of the apartment of the project from and out of the aforesaid six buildings only after obtaining their respective full occupation certificates.
9. Therefore, considering the Promoter's oral and written submissions, it becomes manifestly clear that the Promoter does not stand 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.
10. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA