

**SUO MOTU ADVERTISEMENT
CASE NO. 172 OF 2023**

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

SUO MOTU ADVERTISEMENT CASE NO. 172 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 Instagram Platform, dated 04.10.2023 and 27.10.2023 in regard to their real estate project "Raheja Gardens" situated at Pune 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 28.12.2023 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

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submissions.

4. During the aforementioned hearing, the Promoter asserted that the occupancy certificate has been acquired for Building No. 9, located in Raheja Gardens, Pune. Building No. 9 received its full OC in 2011. It was emphasized that the project was only advertised after obtaining the occupancy certificate. Additionally, the Promoter clarified that the mentioned project includes 2-3 unsold units, and the said advertisement in question specifically aimed at selling these unsold units.
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.”

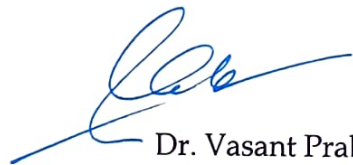
“MahaRERA Order No. 46/2023 The Promoter shall prominently display QR code on each and every project promotion/ advertisement published after 01.08.2023. The QR code must be published in a manner that is legible, readable, and detectable with software application. The QR code must be published besides 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 their Building No. 9 in Raheja Gardens, Pune. Further, the Promoter asserted that they had obtained part occupation certificate on 12.01.2011 and full occupation certificate on 25.03.2011 in respect of the

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said Building No. 9.

7. Further, the Promoter contended that the captioned advertisement of the said project appearing on Instagram carried "Ready Possession", "OC Received" and "No GST" in respect of the said Building No. 9, as the aforesaid Building No. 9 is a completed project with full occupation certificate.
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 Building No. 9 only after obtaining the full occupation certificate.
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