

**SUO MOTU ADVERTISEMENT
CASE NO. 94 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 94 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Avant Group

....Respondent/Promoter

MahaRERA Project Registration No. P51800029940

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Shivam Dubey for the Promoter / Respondent.

ORDER

19th June 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India had issued an intimation letter dated 27.02.2024 to the Promoter above named for issuing an advertisement on a website namely "avantinfra.com/avant-heritage-III.php" dated 25.01.2024 in regard to their real estate project "Avant Heritage III" situated at Mumbai without incorporating the MahaRERA Quick Response (QR) Code of the said real estate project in the said advertisement.
2. The Promoter, 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 15.04.2024 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.
4. During the course of the proceedings, the Promoter asserted that the "Advertising Standards Council of India's" intimation letter was not received by them. Therefore,

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the Promoter requested for time to file its reply in the said matter.

5. After considering the submissions of the Promoter, the Promoter was thereby directed to submit a comprehensive report in the said matter within a period of 7 days from the date of hearing.
6. In this regard, it is necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

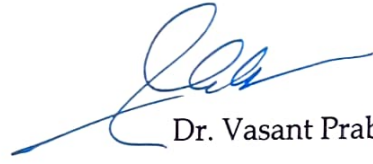
“MahaRERA Order No. 46A/2023 With effect from 01.08.2023, Promoter shall prominently display the QR Code on each and every real estate project promotion/advertisement published in the mediums, in the manner and at the place as more specifically mentioned in MahaRERA Order No. 46/2023 dated 29.05.2023.”

“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.”

7. In accordance with the directions issued during the hearing, the Promoter, through its written submission dated 25.04.2024, stated that the “Advertising Standards Council of India’s” intimation letter was not sent to the email address registered with MahaRERA. Rather, it was sent to email addresses that were either dormant and/or not registered with MahaRERA. Furthermore, the Promoter asserted that they have complied with the directions issued by MahaRERA and incorporated the QR code as mandated.
8. Notwithstanding the circumstances of the present case, it has been established that the Promoter had published an advertisement on a website dated 25.01.2024, wherein the Promoter failed to incorporate the QR code. However, after receiving MahaRERA’s show cause hearing notice, the said advertisement was modified in which the QR code was incorporated.

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9. Henceforth, it becomes manifestly clear that the Promoter is not in violation of 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 matter stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA