

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 129 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Chandrashekhar Tukaram Vibhute .. Respondent-Promoter
Project – Tukai Heights
Maharera Real Estate Project Registration No. P52700024702

Coram: Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :- C.A. Mr. Yogesh Relekar

ORDER

18th October, 2024
(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 19.06.2024 to the respondent and thereby informed that the advertisement published by the respondent on Property Portal in respect of a real estate project under the name "Tukai Heights" does not contain QR Code and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016. ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than June 28, 2024.
2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 19.06.2024, the ASCI has sent mail, dated 15.07.2024 and referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.

3. On the basis of mail dated 15.07.2024 sent by ASCI and on perusal of the impugned advertisement, it has been transpired that the impugned advertisement though contains RERA Registration number and Maharera website address, however, the QR Code has not been displayed in it. Therefore, it prima-facie discloses contravention of the MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023 on the part of the respondent-promoter. In these set of facts, a notice of hearing has been sent to the respondent on 06.08.2024 for attending the virtual hearing, dated 16.08.2024 at 11.30 a.m. and also called upon him to furnish his reply.
4. Respondent-promoter has appeared before this Authority and filed his reply, dated 03.10.2024 and contended that their firm has not approached Housing.com for listing of his project on their portal, nor have he authorized any third party to do so on his behalf. Respondent-promoter has further contended that he suspect that the display of his project on the website of Housing.com was done without his consent and knowledge, which he believed to be unauthorized and misleading. Respondent has further contended that he has initiated legal action against Housing.com by lodging a formal complaint with Karad Police Station.
5. C.A. Mr. Yogesh Relekar has appeared on behalf of the respondent-promoter and has reiterated the same contentions as raised out by the respondent in his reply. C.A. Mr. Yogesh Relekar has submitted that the promoter has not published the impugned advertisement, but Housing.com has published it without consent and/or approval from the promoter. According to C.A. Mr. Yogesh Relekar, there is no contravention of MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023 on the part of the respondent-promoter.

6. The charges are leveled against the respondent-promoter for not displaying the QR Code in the impugned advertisement and thereby contravening the directions issued in MahaRERA Order No.46/2023, dated 29.05.2023 and MahaRERA Order No.46A/2023, dated 25.07.2023.

7. MahaRERA vide Order No.46/2023, dated 29.05.2023 issued following directions to the promoters in regard to QR Code.

- The promoter shall prominently display QR Code on each and every real estate project promotion/advertisement published after "1st August, 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 mediums of the promotion/advertisement have also been described in the said Order.

8. As per Standard Operating Procedure (SOP) issued by MahaRERA Authority on 13th August 2024, "where the advertisement is issued by any individual, external broker who is not an affiliated Channel Partner of the promoter and the promoter is unaware of such an advertisement and has not granted permission, then the promoter shall file a police complaint and/or a complaint with the cyber cell and accordingly submit a detailed report to MahaRERA Authority outlining the action taken within a period of 15 days."

9. Perused the impugned advertisement. Admittedly, it does not display QR Code as mandated vide MahaRERA Order No.46/2023, dated 29.05.2023. However, as contended by the respondent-

promoter, the impugned advertisement has not been published by him, but it has been published by Housing.com without consent/permission of the promoter. In support of his contentions, respondent-promoter has filed on record a copy of complaint lodged by him against Housing.com with Karad Police Station on 28.09.2024.

10. Perused the copy of said complaint. It contains that the promoter has never approached or given any form of consent/permission to Housing.com for the advertisement of his real estate project "Tukai Heights". It means Housing.com has published impugned advertisement without the knowledge and permission of the respondent-promoter. This promoter also taken necessary action against Housing.com by filing police complaint with the concerned police station.
11. In the facts and circumstances brought on record, there is no any evidence on record to show that the promoter has contravened MahaRERA Order No. 46/2023. Since this promoter has filed police complaint against Housing.com with the Karad Police Station and submitted a report thereof to this Authority, this promoter cannot be held liable for violation of mandatory provision of QR Code. He has complied with the requirement as mentioned in the S.O.P. dtd. 13.08.2024 issued by MahaRERA Authority.
12. This matter stands disposed off in the light of the procedure enunciated under the Standard Operating Procedure issued by MahaRERA Authority (supra).


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune