

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

**SUO MOTU ADVERTISEMENT CASE NO. 32 OF 2024**

MahaRERA on its own Motion .... Complainant

Versus

S.K.Properties Builders & Developers..... Respondent/ Agent

**MahaRERA Agent Registration No. - Unregistered**

**Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA**

Mr.Swapnil Khedkar appeared for the respondent/ agent.

**ORDER**

7<sup>th</sup> February 2025

(Through Video Conferencing)

1. The MahaRERA authority has issued the directions by MahaRERA order No 46/2023 read with MahaRERA order No. 46A/2023 or 46B/2023 wherein with effect from 01.08.2023, promoter/agent 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, failure to which a penalty under Section 63 or section 65 of the Act, 2016 shall be imposed upon promoters/agents for each such violation.
2. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 22/04/2024 to the agent above named for issuing an advertisement on Facebook namely"  
<https://www.facebook.com/skpropertiesbuildersanddevelopersamrvati/videos/3>



**SUO MOTU ADVERTISEMENT /  
NAGPUR/ CASE NO. 32 OF 2024**

25085763895379

<https://www.facebook.com/photo?fbid=448003651072959&set=a.1825671742>

83276

<https://www.facebook.com/photo?fbid=448030361070288&set=a.1825671742>

83276

<https://www.facebook.com/photo?fbid=448595567680434&set=a.1825671742>

83276 dated 14/03/2024, 21/03/2024 & 22/03/2024 in regard to the plots available at Navsari, Rahatgaon, Pimpari, Chanduri, Nandgaon Peth, Badnera Amarvati without including the MahaRERA agent registration number, MahaRERA project registration number and Quick Response (QR) Code for the said plots.

3. The agent, in spite of having received the intimation letter dated 22/04/2024 from the "Advertising Standards Council of India" failed to comply with MahaRERA regulation and modify or withdraw the said advertisement. And hence, the ASCI had referred the said matter to MahaRERA, Nagpur for initiating the Suo-motu complaint/proceeding against the Promoter/respondent for disposal according to law.
4. In this regard, the first hearing was scheduled on 09/07/2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the respondent/agent appeared and sought time to file its written submissions. Accordingly, the matter was adjourned to the next date of the hearing i.e on 05/09/2024 and 22/10/2024, when the Agent remained absent even though the notice of hearing and the link for all the hearing was duly served upon the respondent/agent. However, the respondent/agent submitted by its written reply dated 22/10/2024 that the impugned advertisement has already been withdrawn from the digital platform and assured that it will remain committed to full compliance with MahaRERA regulations. In this regard, the next hearing was scheduled on 07/02/2025, when the respondent/agent appeared and made its submissions.
5. During the hearing, the respondent/agent submitted that the impugned



advertisement dated 14/03/2024, 21/03/2024 & 22/03/2024 published on Facebook has already been removed. The respondent/agent further submitted that the omission of MahaRERA registration number and the Quick Response code in impugned advertisement was omitted merely due to oversight and not deliberately. The respondent/agent sought an apology and assured that it will remain committed to full compliance with MahaRERA regulations.

6. In this regard, it is necessary to peruse section 9 (1) of the Act-2016 which read as under:

***"Section 9(1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section."***

7. In this regard, it is also necessary to peruse the provision of Rule 14(2) of The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 which reads as under:

***"14(2) Every registered real estate agent shall quote the number of their registration in all the documents relating to advertisement, marketing, selling or purchase issued by the real estate agent along with the number of registration certificate of the real estate project."***

8. In this regard, it is further necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46B/2023, which reads as under:

- a) **MahaRERA Order No. 46/2023 dated 29.05.2023** -The Promoter shall prominently display QR Code on each and every project



**SUO MOTU ADVERTISEMENT /  
NAGPUR/ CASE NO. 32 OF 2024**

promotion/advertisement published after 01.08.2023. The QR Code must be published in a manner that is legible, readable, and detectable with software applications. 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.

**b) MahaRERA Order No. 46A/2023 dated 25.07.2023** – (a) Every registered real estate agent 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. The above shall apply to the mediums of promotion/advertisement and in any other medium as may be directed by the Authority. b) Failure to comply with (a) above shall be construed as a violation of the directions issued in the above-referred MahaRERA Order and penalty which may extend up to Rs. 50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- under Section 65 of the Act shall be imposed upon real estate agents for each such violation.

9. From the plain reading of the above-mentioned sections, every Real Estate agent who facilitates the sale or purchase of any plot, apartment or building in a real estate project registered under section 3 of the Act - 2016 is under obligation to register himself as agent under MahaRERA and to mention the agent registration number along with the project registration number and QR code of the real estate projects in the advertisements issued by it.

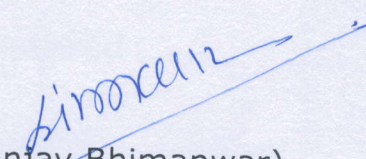
10. In the present case, respondent/agent had released an advertisement of plots situated at different locations on its Facebook page dated 14/03/2024, 21/03/2024 & 22/03/2024 which does not contain MahaRERA agent registration number, project registration number and QR (Quick Response) code of the said plots/plotted development. In this regard, it appears that said respondent/agent is not registered under MahaRERA and hence strict directions have been issued to the said respondent/agent to obtain MahaRERA agent registration number at the earliest. Furthermore, it appears from the



**SUO MOTU ADVERTISEMENT /  
NAGPUR/ CASE NO. 32 OF 2024**

submission of the respondent/agent and the documents on record that the said advertisements have already been removed from the digital platform.

11. In view of this, said real estate agent cannot be held liable for violation section 11(2) of the Act-2016 and MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46B/2023 dated 25.07.2023.
12. In view of the above, the present case stands closed.

  
(Sanjay Bhimanwar)

**Dy.Secretary,  
MahaRERA,Nagpur.**