

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO. 46 OF 2024**

MahaRERA on its own Motion .... Complainant

Versus

Ajinkya Realty .... Respondent

"S.S. Heights"

MahaRERA Project Registration No. P52100025266

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

**Appearance:** Mr. Akshay Anilrao Deshmukh for Respondent.

**ORDER**

19<sup>th</sup> April, 2024

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) has issued an intimation letter dated 06.03.2024 to the respondent-promoter for publishing advertisement on Hoarding of a real estate project "Ajinky Realty – S.S. Heights" at B.T.Kawade Road, Near Axis Bank, Ghorpadi, Pune without incorporating the QR code number and MahaRERA website address and also MahaRERA Registration Number of the said real estate project in the said advertisement.
2. The respondent-promoter by email, dated April 02, 2024 replied the said intimation letter, dated 06.03.2024 and informed the ASCI that he has taken immediate action to remove the said advertisement from the site. In reference to the said email, ASCI by email dated April 10, 2024, informed the respondent-promoter that as the objected advertisement has been withdrawn, ASCI has taken

this on record as Compliance for Complaint No.2024-3-1-1-C.27276-(2403-C.7557).

3. Since the respondent-promoter has informed ASCI by email dated April 2, 2024 regarding the compliance of the intimation letter issued by ASCI after the prescribed date mentioned in the said intimation letter, dated March 18, 2024, this Authority had already proceeded with the matter and issued Notice of hearing, dated 26.03.2024 to the respondent-promoter for virtual hearing dated 12.04.2024.
4. The respondent-promoter has furnished his reply dated 19.04.2024 and contended that the impugned hoarding advertisement was not actively used by him for promotional purposes and it was an old hoarding that had been removed from circulation and was merely lying at its construction site. The respondent-promoter has further contended that an unauthorized individual intentionally removed the hoarding from its storage location and erected it on a pillar within the parking area of his site building and subsequently this individual proceeded to take a photograph of the hoarding, portraying it as an active advertisement. The respondent has further contended that this unauthorized action was done without the knowledge or consent of the promoter. The respondent has further contended that he believe this incident was an intentional act to create a false perception of non-compliance and deceive in order to fabricate a case against the promoter. The respondent has further contended that this act does not reflect his firm's intent or conduct regarding regulatory compliance and ethical advertising practices. The respondent-promoter has further contended that the hoarding advertisement in question was erected at his construction site prior to the applicability

of the MahaRERA Order No. 46, dated 1<sup>st</sup> August, 2023, which mandated the inclusion of a QR Code on all project promotions and advertisements. The respondent-promoter has further contended that at the time of the hoarding's creation, his firm was fully complied with all existing regulations, including those related to real estate advertising. It is further contended that it was not within his knowledge or intention to disregard any legal requirements regarding advertisement content. The respondent has further contended that as soon as he was made aware of the regulatory requirement for the inclusion of a QR Code in advertisements, he took immediate steps to ensure compliance in all future advertising materials. He has further contended that as soon as he became aware of the unauthorized placement of the hoarding in the parking area, he took immediate action to remove it from the site.

5. Mr. Akshay Deshmukh has appeared on behalf of the respondent-promoter. He has reiterated the contentions raised out by the respondent in his reply. Mr. Deshmukh has submitted that the project is already registered with MahaRERA and the RERA Registration No. is reflecting on the impugned advertisement. Mr. Deshmukh has further submitted that the said advertisement was old one prior to issuance of MahaRERA Order No. 46/2023 and someone has purposely taken it from its storage location and erected on a pillar in the parking area of the said building and taken a photograph of the same with an intention to create a false perception of non-compliance and deceive in order to fabricate a case against the promoter. Mr. Deshmukh has submitted that as soon as the respondent-promoter has received intimation letter from ASCI, the respondent-promoter has removed the said advertisement and made compliance of said intimation letter and informed ASCI accordingly. He has further submitted that ASCI has withdrawn the



said case. Mr. Deshmukh has further submitted that there is no violation on the part of respondent-promoter of the MahaRERA Order No.46/2023 and 46A/2023.

6. Section-11 of the Act, 2016 deals with functions and details of promoter. Sub Section-2 of Section-11 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".**

Perused the impugned advertisement, wherein on the left top of it, the RERA Registration No. P52100025266 is appearing in the said advertisement. Therefore, it clearly states that there is no violation of Section 11(2) of the Act, 2016 by the respondent-promoter.

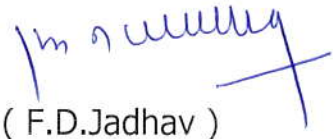
7. As regards violation of the QR code is concerned, it is necessary to peruse the MahaRERA Order No. 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023 dated 25.07.2023.
8. As per Order No.46/2023 dated 29.05.2023, the following directions issued by the Authority

- The promoter shall prominently display Quick Response (QR) Code on each and every real estate project promotion/ advertisement published after 1<sup>st</sup> August, 2023.
- The QR Code must be published in a manner that is legible, and detectable with software application.
- The QR Code must be published besides the MahaRERA Registration Number and the Website Address.

9. As per Order No.46A/2023, dated 25.07.2023, the quantum of penalty upto Rs.50,000/- subject however to a minimum penalty which shall not be less than Rs. 10,000/- under Section 63 has been provided.
10. The respondent has contended that the impugned hoarding advertisement was an old one erected at the construction site of the project and an unauthorized individual intentionally removed it from its storage location and erected it on a pillar within the parking area of his site building and subsequently the said individual has taken photograph of the hoarding, portraying it as an active advertisement and this action was done by the said individual without the knowledge or consent of the promoter. The impugned hoarding advertisement if perused, it has been affixed on a pillar of the parking area of the building containing phone numbers, site address and RERA Registration number.
11. Considering the contentions raised out by the respondent in his reply and perusal of the impugned advertisement, there is substance in the submission of the respondent-promoter that the hoarding advertisement is an old one prior to issuance of the MahaRERA Order No.46/2023. ASCI has also informed this respondent that, "as the objected advertisement has been

withdrawn, we have taken this on record as compliance for Complaint No.2024-3-1-1-C.27276-)2403-C.7557)." Therefore, there are no substantial material on record to prove the charges leveled against the promoter beyond the reasonable doubt. Consequently, this is not a fit case to invoke the provisions of Section 61 and 63 of the Act, 2016.

12. The present matter disposed off accordingly.



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