

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : SHRI JAYANT B. DANDEGAONKAR, DY. SECRETARY, PUNE**

Video Conferencing Hearing as per MahaRERA Order No.593/2023

SUO MOTU ADVERTISEMENT PUNE CASE NO. 88 OF 2025

MahaRERA on its own Motion

... Complainant

Versus

M/s. WHITE PROPERTIES

... Respondent-Promoter

NAME OF THE PROJECT – THE STATEMENT BY LEGACY.

Maharera Real Estate Project Registration No. P52100048004

Appearance :- Adv. Kiran Vispute for Respondent-Promoter

ORDER

2nd JULY, 2025

(Through Video Conferencing)

1. The Advertising Standards Council of India (ASCI) as a part of its 'Suo-Motu' surveillance, has picked the advertisement published of the project in question from "website", which does not contain **MahaRERA Website Address** and **QR Code** and the same is considered to be prima facie in contravention of Real Estate (Regulation & Development) Act, 2016 (RERA). ASCI has therefore, issued **intimation letter, dated 17.01.2025** to the respondent-promoter and directed the respondent to ensure that the said advertisement has to be modified or withdrawn no later than **January 28, 2025**.
2. The respondent-promoter by email dated 30.01.2025 has informed the ASCI that he has modified the impugned advertisement before 28.01.2025 as per the instructions given by ASCI through intimation letter, dated 17.01.2025. Later on by email, dated 30.01.2025, ASCI has informed the respondent-promoter that while modifying the impugned advertisement, the old MahaRERA website address has been uploaded instead of new MahaRERA

website address and further asked the respondent-promoter to upload new MahaRERA website address by **COB JANUARY 31, 2025**.

3. Since the respondent has not complied with the directions issued by the ASCI vide later email, dated 30.01.2025, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondent for disposal according to law.
4. In pursuance of the powers delegated under Section 81 of the RERA to the undersigned by the MahaRERA Authority vide Office Order No. MahaRERA/Secy/DoP/Advertisement/41/2025, dated 16.01.2025, notice was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.
5. The respondent-promoter in response to the said notice, filed his say dated 27.05.2025. It has been contended by the respondent-promoter that the impugned advertisement was mistakenly published by their advertising agency without mentioning the MahaRERA website address. It is further contended that as per the mail, the said advertising agency has withdrawn the impugned advertisement, but unfortunately missed to inform the same to the authority. The respondent-promoter submits that this is the first time there has been an error and apologized for the inadvertent mistake. It is submitted on behalf of the respondent that there is no intention on his part to defraud the customer or violate any law. Lastly, the respondent prayed not to initiate any penal action against him.
5. Perused the impugned advertisement. Though initially the impugned advertisement doesn't disclose the QR Code and MahaRERA website address, as mentioned in the initial intimation letter, dated 17.01.2025 sent by ASCI, however, the later email, dated 30.01.2025, ASCI has informed the respondent-promoter that while modifying the impugned advertisement, the respondent-promoter has disclosed the old link of MahaRERA website and asked the respondent-promoter to add new link of MahaRERA website in the

modified advertisement EOB 31.01.2025. However, as stated supra, since the respondent-promoter has not complied with the direction given by the ASCI, the present proceeding has been forwarded to MahaRERA for further necessary action against the respondent-promoter. The respondent-promoter in his say has also not contended that he has added the new link of MahaRERA website in the modified advertisement. The modified advertisement shows that the QR Code has been displayed by the respondent-promoter. However, it does not contain new MahaRERA website address, as mandated under Section 11(2) of the RERA. Section 11(2) of RERA is reproduced hereunder.

"Section 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."

6. Heard Adv. Kiran Vispute for the Respondent-Promoter. She reiterated the contentions raised out by the respondent in his say. She argued that the impugned advertisement was withdrawn by the advertising agency of the respondent-promoter on receipt of intimation, but unfortunately communication to that effect was missed. She has further submitted that it was a first time error on the part of the respondent-promoter and prayed that no any penal action be taken against the respondent for an unintentional mistake.
7. Considering the advertisement on record, evidence produced in the case, and the aforesaid legal provision, this Authority is of the opinion that the respondent-promoter has modified the impugned advertisement and displayed the QR Code in it. Therefore, the charge against the respondent-promoter for violation of directions of the MahaRERA Order No 46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 25.07.2023 is hereby quashed.

8. Though the respondent-promoter modified the impugned advertisement, but he added old MahaRERA website address and instead of new MahaRERA website address, it definitely attracts violation of the provision of Section 11(2) of the RERA on the part of the respondent-promoter.
9. Considering the submission of respondent-promoter that this is a first error on his part and inadvertent mistake with no intention to violate the legal provision and considering the quantum of penalty provided under Section 61 of the RERA, this Authority thinks that it will be just and proper to impose minimum penalty within the four corners of the law.
10. Penalty of Rs.10,000/- under Section 61 of the Act, 2016 has been imposed against the respondent-promoter for violation of Section 11(2) of the RERA Act, 2016.
11. The aforesaid penalty shall be payable by the respondent within 15 days from the date of enforcing penalty, failing which respondent shall be liable to penalty of Rs.1000/- per day, in addition, till the compliance.
12. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by promoter for extension, corrections, change of name etc., with respect to the said project.
13. Thus in the light of aforesaid facts, documents on record and the legal provision, the present matter is disposed off accordingly.

(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE