

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

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 85 OF 2024**

MahaRERA on its own Motion

.... Complainant

Versus

Prithvi Buildcon

.. Respondent-Promoter

Project – Prithvi Paradise

Maharera Real Estate Project Registration No. P52100051588

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

Appearance :-

- 1) Adv. Subhra Srivastava for Respondent
- 2) Mr. Pritesh Chhajed, Sales Representative of Respondent
- 3) Anvita Goenka, Marketing Representative of Respondent

ORDER

2nd August, 2024

(Through Video Conferencing)

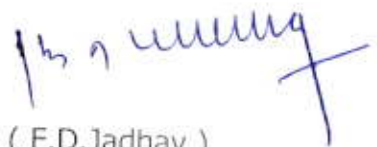
1. The Advertising Standards Council of India (ASCI) has issued an intimation letter, dated 27.05.2024 to the respondent and thereby informed that the advertisement published by the respondent on Instagram in respect of a real estate project under the name "Prithvi Paradise" does not contain MahaRERA Registration number, the MahaRERA website address and 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 ASCI has further directed the respondent to ensure that the said advertisement has been modified or withdrawn no later than June 05, 2024.
2. Since the respondent has not complied with the directions issued by the ASCI vide intimation letter, dated 27.05.2024, the ASCI has sent mail, dated 14.06.2024 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 14.06.2024 sent by ASCI, a notice of hearing has been sent to the respondent on 01.07.2024 for attending the virtual hearing, dated 09.07.2024 at 11.30 a.m.
4. Respondent-promoter has filed his say, dated 23.07.2024. It is contended by the respondent that the advertisement posted by it contains the details of the project as per the advertisement standards and guidelines mentioned and issued by the MahaRERA. It is further contended that the advertisement posted contains the RERA registration number of the project along with the QR Code as per the guidelines of MahaRERA. The respondent has further contended that along with the project, the Brand Prithvi Group is also advertised on various social media platform including Facebook and Instagram wherein the brand is marketed and marketing brand does not mean to advertise the project.
5. Adv. Subhra Srivastava appeared on behalf of the respondent-promoter. She has reiterated the same contentions raised out by the respondent in his say. She has submitted that the impugned advertisement contains the MahaRERA Registration number, MahaRERA website address and QR Code and there is no any violation on the part of the respondent, as alleged in the notice. She has further specifically submitted that the impugned advertisement is not regarding the project, but it is an advertisement of brand name of Prithvi Group and therefore, according to her the charges leveled against the respondent do not attract in the present matter.
6. Perused the impugned advertisement on record. It manifestly shows that it is of brand "Prithvi Group" and it has been mentioned the words "Happy Holi – From Team Prithvi Group" in the said alleged advertisement. The website <https://prithvigroup.in/contact/> also do not suggest the name of any real estate project or selling of flats from the said project in this matter. The

name of company is mentioned as "Prithvi Group" and address and email ids of the company are also mentioned. However, there is nothing to show in the impugned advertisement that it is of a real estate project and this promoter is selling apartments from the said project. In other words, it can be said that this advertisement is of a brand "Prithvi Group." As such there appears no sufficient evidence or concrete proof on record to hold that this promoter has published advertisement of his project to sell the apartments. As the present advertisement is not in respect of any specific project, the question of displaying QR Code and MahaRERA registration number as well as website address by the promoter does not arise. By virtue of this, there appears no any violation of MahaRERA provisions and MahaRERA Orders by this promoter in this matter. In these facts and circumstances, it can be said that this promoter has not violated the provision of Section 11(2) of the Act, 2016 as well as the directions issued under MahaRERA Order No.46/2023 and 46A/2023 in the present matter. Consequently, the imposition of penalty under Section 61 and 63 of the Act of 2016 does not arise.

07. The present matter therefore, disposed off accordingly.


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