

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR
SUO MOTU ADVERTISEMENT COMPLAINT NO. SM12500070**

MahaRERA on its own Motion Complainant

Versus

Advik Nutan Associates Respondent/ Promoter

MahaRERA Project Registration No. - P50300049244

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

CA Deepak Zambani appeared for the respondent/ promoter.

ORDER

30th June 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 wherein with effect from 01.08.2023, promoter 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 of the Act, 2016 shall be imposed upon promoters for each such violation.
2. The Advertising Standards Council of India (ASCI) had issued an intimation letter dated 16/01/2025 to the Promoter above named for issuing an advertisement on digital property portal-Housing .com with link-

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<https://housing.com/in/buy/projects/page/295845-advik-nutan-residency-by-advik-nutan-associates-in-dastur-nagar> dated 07/01/2025

in regard to its real estate Project – “Advik Nutan Residency” bearing MahaRERA registration number-P50300049244 situated at Amravati without incorporating/ including MahaRERA website address & Quick Response Code (QR code) of the said project which is a considered to be prima facie violation of section 11(2) of the Act-2016 and the MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023.

3. The Promoter, in spite of having received the intimation letter dated 16/01/2025 from the "Advertising Standards Council of India" (ASCI) failed to comply with MahaRERA regulation and modify or withdraw the said advertisement. However, housing.com-the digital property portal, by its reply 27/01/2025 to the "Advertising Standards Council of India" (ASCI) had submitted that the said advertisement dated 07/01/2025 had been updated with respect to MahaRERA website address but could not update the QR code of the said project. 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 hearing was scheduled on 30/06/2025 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared through its representative and made its submission.
5. During the hearing, the promoter vehemently argued that the aforementioned advertisement dated 07/01/2025 was published by housing.com on its platform without the consent of the promoter. The promoter further submitted that housing.com was not its authorized agent nor was the promoter aware of the said advertisement.
6. In this regard, it is necessary to peruse the provision of section 11(2) of the

RERA which 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."

7. On careful perusal of the Section 11(2) manifestly shows it is imperative on the part of the promoter to mention the MahaRERA registration number of the project as well as MahaRERA website address prominently in the advertisement of the project issued by him.
8. In this regard, it is also necessary to peruse the provisions of MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, which reads as under:

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

MahaRERA Order No. 46A/2023 dated 25.07.2023 – (a)With effect from 01.08.2023, Promoter 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 63 of the Act shall be imposed upon promoters for each such violation.

9. In the present case, the Promoter had released an advertisement of the aforesaid project on digital property portal-housing.com dated 07/01/2025 in regard to its real estate project " Advik Nutan Residency " bearing MahaRERA registration number-P50300049244 situated at Amravati without including the MahaRERA website address and Quick Response (QR) Code of the said real estate project. In this regard, during the hearing ,the promoter submitted that the impugned has been published by the digital property portal named housing.com without its consent and the said property portal is not its authorized agent. However, it appears from the submission of the promoter and the documents on record that although the promoter has not given any consent to the digital property portal named housing.com for publication of impugned advertisement dated 07/01/2025 , but the promoter has equally failed to take any kind of legal action against the concerned digital property portal or failed to make any kind of communication /objection intending to restrict/stop the advertisement of the said real estate project on the aforementioned digital platform and thereby supported/allowed the free publicity of the said real estate project on the aforementioned digital property platform without bothering the non-compliance of the MahaRERA regulations till date. Also, in this regard, it appears that the promoter neither responded to the intimation letter dated 16/01/2025 issued by "Advertising Standards Council of India" (ASCI) nor submitted written reply to the MahaRERA authority. Further ,from the reports submitted by the "Advertising Standards Council of India" (ASCI) to MahaRERA authority, it appears that the housing.com, the digital property portal wherein the impugned advertisement dated 07/01/2025 was published, by its reply dated 27/01/2025 to the "Advertising Standards Council of India" (ASCI) had submitted that said advertisement has been updated and thereby complied with respect to MahaRERA website address but could not update the said advertisement with Quick response code (QR code) of the said real estate project. After scrutinizing the impugned advertisement, it appears that aforementioned

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advertisement dated 07/01/2025 has been complied with respect to the MahaRERA website address of the said real estate project. Hence this MahaRERA authority does not press the section 11(2) of the Act-2016 upon the promoter for not mentioning/incorporating/including the MahaRERA website address of the said real estate project in the aforesaid advertisement. However, it appears that the promoter failed to include Quick Response code of the said real estate project. And hence, it becomes manifestly clear that the Promoter stands in violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 for publishing the advertisement without mentioning/incorporating/including the Quick Response code (QR code) of the said real estate project in the aforesaid advertisement.

10. In view of the above, a penalty of Rs. 10,000/- is imposed upon the Promoter under Section 63 of the Act -2016 for violation of MahaRERA Order No. 46/2023 dated 29.05.2023 read with MahaRERA Order No. 46A/2023 dated 25.07.2023 respectively.
11. The Technical and Finance Department of the MahaRERA authority shall verify the payment of the said penalty before processing any applications viz. extension, correction, change of name etc., with respect to the said project.
12. With the above directions, the present case stands disposed of.

SANJAY
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BHIMAN
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by SANJAY
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BHIMANWAR
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(Sanjay Bhimanwar)

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