

**SUO MOTU ADVERTISEMENT
CASE NO. 34 OF 2024**

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

SUO MOTU ADVERTISEMENT CASE NO. 34 OF 2024

MahaRERA on its Own Motion

.... Complainant

Versus

Raymond Realty

.... Respondent/Promoter

MahaRERA Project Registration No. - P51800054847/ P51800054846/ P51800054828

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Adv. Zoheb Khatri appeared on behalf of the Respondent/Promoter.

ORDER

5th June 2024

(Through Video Conferencing)

1. The MahaRERA Authority had issued a show cause notice dated 22.02.2024 to the Promoter above named for issuing an advertisement on a pamphlet distributed through Loksatta Newspaper dated 02.02.2024 in regard to their real estate project situated at Bandra East, Mumbai without registering the said real estate project with the Maharashtra Real Estate Regulatory Authority.
2. The Promoter, inspite of receiving the show cause notice dated 22.02.2024, failed to show cause the same within the stipulated time period mentioned in the show cause notice.
3. In this regard, a hearing was scheduled on 06.03.2024 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, wherein the Promoter can appear through its representatives and make its submissions.
4. During the aforementioned hearing, the Promoter asserted that the said project is registered with MahaRERA Authority and that the certificate was generated on 15.02.2024. The first advertisement issued by the Promoter was in Times of India

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Newspaper dated 24.02.2024. The said advertisement in question was published on 02.02.2024 and was issued by an unknown source who is in no way associated with Raymond Realty. The Promoter further submitted that they are investigating the matter and trying to find the offender who issued the said advertisement using their trademark and logo.

5. After considering the submissions of the Promoter, the Promoter was hereby directed to file a formal complaint with the Cybercell and furnish a comprehensive report within a period of 10 days from the date of hearing.
6. In this regard, it is necessary to peruse the provisions of Section 11(2) of the RERA; MahaRERA Order No. 46/2023 read with MahaRERA Order No. 46A/2023, 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."

"MahaRERA Order No. 46A/2023, 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."

"MahaRERA Order No. 46/2023, 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 application. 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."

7. The Promoter through its written submission dated 18.03.2024, stated that the misleading advertisement annexed to the notice was allegedly published on

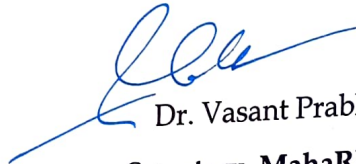
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02.02.2024 with incorrect tower photos, amenities and flat price amount. Further, the said advertisement was published to cause wrongful harm and loss to the Promoter. Pertinently, the project named "The Address by GS Bandra Tower A,B and C" bearing registration nos. P51800054847, P51800054846 and P51800054828 was registered with MahaRERA on 15.02.2024. The misleading advertisement referred to in the said show cause notice was issued by some third party.

8. Additionally, the Promoter contended that, in accordance with the directives issued by the Hon'ble Secretary, MahaRERA during the hearing, they have undertaken certain remedial actions in response to the implicated third party. Primarily, they have already in the past taken the proactive step of publishing a prominent disclaimer on their official website to alert and protect the general public from false advertisements published in newspaper, which are attributed to the accused third party. Further, the Promoter has issued a notice to Mr. Sunil Jwalaprasad Vishwakarma claiming to be a Proprietor of JP Associates who caused to publish such advertisement in Loksatta Newspaper dated 02.02.2024, conveying that no authority or directions to publish such an advertisement on any platform, public or private, was given by their client.
9. Moreover, the Promoter has taken stringent action by lodging a police complaint with the Senior Police Inspector, Nirmal Nagar Police Station, Bandra East, Mumbai against the accused in response to the alleged involvement of a third party in a false and misleading advertisement.
10. Notwithstanding the circumstances at hand, the Promoter, herein referred to as Raymond Realty, has not engaged in the dissemination of any promotional materials through the Loksatta Newspaper. Instead, the accused third party, JP Associates, has perpetrated a deceitful action, thereby assuming the role and identity of the Promoter. Such conduct ambiguously constitutes a case of fraudulent impersonation. Consequently, Raymond Realty cannot be held accountable for the infringement of Section 11(2) of the Real Estate (Regulation and Development) Act and MahaRERA Order No. 46A/2023 read along with MahaRERA Order No. 46/2023.

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11. After thorough deliberation upon Promoter's contention, it is evident that they were dedicated to rectifying the situation and ensuring compliance with the regulatory provisions set forth by MahaRERA.
12. In view of the above, the present case stands disposed of.



Dr. Vasant Prabhu
Secretary, MahaRERA