

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM : Shri. JAYANT B. DANDEGAONKAR, DEPUTY SECRETARY, PUNE

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 116 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

1. DESHPANDE INFRA.

... Respondent-Promoter

2. HOUSING.COM

... Respondent-Agent

NAME OF THE PROJECT – THE PARKSIDE

Maharera Real Estate Project Registration No. P53000048032

Appearance :- Respondent-Promoter : Mr. Amit Patil, A.R.

Respondent-Agent : Adv. Mr. Manish and Mr. Syed

ORDER

9th 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 websire 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dated 31.05.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **June 11, 2024**.
2. Since the respondent-promoter has not complied with the directions issued by the ASCI vide aforesaid intimation letter, the ASCI has referred the matter to MahaRERA, Pune for initiating the suo-motu complaint/proceeding against the respondents for disposal according to law.
3. 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 of hearing was issued to the respondent-promoter calling upon him as to why penal action should not be taken against him.

4. The respondent-promoter in response to the notice, filed his say dated 16.07.2024. The respondent-promoter contended that he has not listed the said project on Housing.com. It is further contended that the Housing.com could have taken the information from the data available on the website of the promoter. It is further contended that the promoter has sent an email to Housing.com asking the reason for uploading project details on its portal without taking promoter's consent. The respondent-promoter has also filed an online complaint with cyber crime branch on 07.08.2024 and filed a copy thereof on record.
5. Considering the contents in the say filed by the respondent-promoter and police complaint lodged by him against the respondent-agent, the respondent-agent was called upon to attend the virtual hearing, dated 30.07.2024.
6. Respondent-agent filed their say dated 14.08.2024 and contended that after receipt of mail from the respondent-promoter asking them to immediately take down the project from their website and accordingly in response they have promptly acted by removing the project from their website and informed the promoter by a letter dated 17.07.2024.
7. Perused the impugned advertisement. It does not contain MahaRERA website address as mandated under Section 11(2) of RERA and also does not contain QR Code as directed by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 read with Order No. 46B/2023, dated 21.08.2023.

8. Heard the respondent-promoter in person. He has reiterated the contentions raised out by him in his say. He has submitted that the respondent-promoter never authorized or permitted the respondent-agent to publish the impugned advertisement. He has further submitted that the respondent-promoter has lodged a complaint with cyber crime branch and copy thereof has been furnished on record.
9. The respondent-promoter has lodged police complaint against the respondent-agent for publishing the impugned advertisement without containing MahaRERA website address and also displaying QR Code. A copy of the complaint lodged with cyber crime is furnished on record. It clearly suggest that the impugned advertisement has been published by the respondent-agent without any authorization/permission from the respondent-promoter.
10. In view of the aforesaid evidence on record, since the respondent-promoter has filed police complaint against the respondent-agent and has complied with the prevailing SOP of MahaRERA, the respondent-promoter cannot be held liable for violation of provision of Section 11(2) of RERA and also cannot be held liable for breach of the directions issued by the MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023, dated 29.07.2023.
11. In view of the fact that a complaint is lodged against the respondent-agent by the promoter, this proceeding stands disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE

