

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 120 OF 2024

MahaRERA on its own Motion ... **Complainant**

Versus

1. OZONE INFRASTRUCTURE ... **Respondent-Promoter**
2. HOUSING.COM ... **Respondent-Agent**

NAME OF THE PROJECT – SHREENATH MARKET CITY
Maharera Real Estate Project Registration No. P52100054982

Appearance :- Respondent-Promoter : C. A. Vaibhav Modi
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 Property Portal, which does not contain **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dated 14.06.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **June 26, 2024**.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, dated 06.08.2024 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 through email, dated 26.08.2024. The respondent-promoter denies to have published the impugned advertisement either by himself or by any authorized representative acting on his behalf. It is further contended that the respondent-promoter was neither informed nor did the promoter provide his consent or approval for the said advertisement to be published on the Housing.com platform. The respondent-promoter has further contended that Housing.com, an online real estate marketplace, appears to have uploaded the advertisement without the knowledge or authorization of the promoter and this action was taken independently by the said platform, without any involvement, directive, or consent from the promoter. In short, it is submitted by the promoter that there is no any intentional or willful violation on the part of the promoter and prayed to dismiss the complaint against the promoter.
5. Considering the say of the respondent-promoter, a notice of hearing was issued to the respondent-agent Housing.com. Say filed on behalf of Housing.com dated 06.09.2024, wherein it has been stated that on June 14, 2024 they received an email from ASCI stating that the Company had uploaded the impugned advertisement without publishing the QR Code which is mandated under MahaRERA Act. It is further stated by the respondent-agent in their say that in response, they promptly visited the MahaRERA website to obtain the QR Code but they were unable to locate it either on the RERA website or on the RERA certificate and therefore, they sent a letter to ASCI and asked to provide them QR Code to comply with the requirement. It is further contended by the respondent-agent that they complied with the requirement of the Act and uploaded the QR Code on website.

5. Perused the impugned advertisement. It does not contain QR Code as directed by MahaRERA Authority vide its Order No. 46/2023, dated 29.05.2023 read with Order No. 46A/2023, dated 21.08.2023.
6. The matter was previously heard by my learned processor, wherein C.A. Mr. Vaibhav Modi appeared on behalf of the promoter and reiterated the contentions raised out by the promoter in his say. Mr. Modi has submitted that the impugned advertisement was not published by the promoter and it was published by Housing.com, without any authorization from the promoter. None appeared on behalf of the promoter during the hearing scheduled before the undersigned.
7. During the hearing scheduled before my learned predecessor, C.S. Manveer Kaur and Syed Firdaus, A.R. had appeared on behalf of Housing.com. They also reiterated the contentions raised out by Housing.com in their say. It was submitted on behalf of the respondent-agent Housing.com before my learned predecessor that Housing.com complied with the requirement and uploaded the QR Code. However, no any specific contention has been made either in the say or during the hearing that compliance was made within the timeline given by ASCI.
8. MahaRERA Authority has issued Order No. 46/2023, dated 29.05.2023 whereby the promoter is directed to display QR Code prominently in a manner that is legible, readable and detectable with software application and it must be published besides the MahaRERA Registration Number and the Website Address in all the mediums mentioned therein. MahaRERA Authority has also issued Order No.46A/2023, dated 25.07.2023, whereby the amount of penalty under Section 63 of RERA for violations of the directions issued therein has been clarified. MahaRERA Authority has further issued Order No.46B/2023, dated 21.08.2023 by which the directions issued by the Authority vide the aforesaid Orders, dated 29.05.2023 and 25.07.2023 shall mutatis mutandis apply to all registered real estate agents. MahaRERA Authority has noticed

that the MahaRERA QR Code is not being displayed correctly in terms of the aspect ratio and positioning in advertisement/promotions issued by promoters/agents and also the MahaRERA registration number and website address are not clearly visible due to small font sizes and light colour usage and observed that such practices undermine the objective of transparency and consumer protection as mandated under the Act. Therefore, recently Order No. 46C/2023, dated 08.04.2025 has been issued by the Authority directing every promoter and registered real estate agents that the font size of the MahaRERA registration number and website address in advertisements/promotions and prospectuses, as the case may be, shall be equal to or larger than the font size used for the project's contact details and address and it shall be placed in the top-right quadrant of the advertisement/promotions in a colour that ensures high visibility. MahaRERA Authority by the said order also directed that the QR Code shall be displayed correctly, maintaining its aspect ratio and positioning in the top-right quadrant of the advertisement.

9. Though the respondent-promoter has denied that the impugned advertisement was published by Housing.com without authorization of the promoter, there is nothing on record to show that respondent has lodged a complaint with the police against Housing.com for publishing the impugned advertisement without his authorization or consent or approval, as the case may be. Therefore, the respondent-promoter has failed to prove that the impugned advertisement was published by Housing.com without his authorization. As such the said defence of the respondent-promoter is not substantiated and not maintainable. If any individual, external broker who is not an affiliated Channel Partner of the Promoter and the Promoter is unaware of such an advertisement and has not granted permission, then as per the prevailing Standard Operative Procedure, it is mandatory on the part of the promoter to file a police complaint and/or a complaint with the cyber cell and accordingly submit a report to MahaRERA Authority outlining the actions taken within a period of 15 days. This procedure has not been adopted by the promoter in the present matter. Therefore, the promoter is required to be held

for failure to comply with the directions issued by the MahaRERA Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023.

10. In view of the aforesaid evidence on record, since the respondent-promoter has failed to comply with the directions issued by the MahaRERA Order No.46/2023, dated 29.05.2023 and Order No.46A/2023, dated 25.07.2023, the provision of Section 63 of the RERA are invoked in this matter and in the result, following order is passed.

ORDER

- (a) The respondent-promoter shall also pay penalty of Rs.10,000/- under Section 63 of RERA for contravention of the directions issued under Order No.46/2023, dated 29.05.2023 read with Section 46A/2023, dated 25.07.2023.
- (b) The aforesaid penalty shall be payable by the respondents within 15 days from the date of enforcing penalty, failing which respondents shall be liable to penalty of Rs.1000/- per day, in addition, till the compliance.
- (c) The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the real estate agent for renewal of his registration as a real estate agent.
- (d) The present matter stands disposed off accordingly.



**(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE**

