

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

SUO MOTU ADVERTISEMENT/PUNE CASE NO. 123 OF 2024

MahaRERA on its own Motion

... Complainant

Versus

1. ASHOK CHUNILAL KATARIA

(PROP. OF YASH PROMOTERS & BUILDERS). ... Respondent-Promoter

2. HOUSING.COM

... Respondent-Agent

NAME OF THE PROJECT – YASH EVANA

Maharera Real Estate Project Registration No. P52100047327

Appearance :- Respondent-Promoter : Adv. Vidhi Jain

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dated 14.06.2024** to the respondent-promoter and directed to ensure that the said advertisement has to be modified or withdrawn no later than **June 26, 2024**.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 dated 10.10.2024. The respondent-promoter has contended that the impugned advertisement was published by Housing.com without the knowledge or authorization of the promoter and the promoter did not consent to the content, nor the promoter was informed about the publication of the impugned advertisement by the said publisher. The promoter has contended that he has filed a complaint with police against Housing.com for publishing the impugned advertisement without the permission of the promoter.
5. The respondent-agent has filed their say, dated 11.07.2024 and 15.07.2024 and contended that they visited MahaRERA website to obtain the QR Code, but were unable to locate it either on the RERA website or on the RERA Certificate. It is further contended by the respondent-agent in the say dated 15.07.2024 that they have taken immediate corrective action and uploaded the QR Code. However, there is nothing in the say as to whether the QR Code was uploaded within the timeline given by ASCI or not.
6. Perused the impugned advertisement. It does not contain QR Code, as directed by MahaRERA vide Order No. 46/2023, dated 29.05.2023 read with Order No. 46A/2023, dated 24.07.2023 and Order No. 46B/2023, dated 21.08.2023. Perused the complaint lodged by the promoter with Alankar Police Station, Pune against Housing.com.
7. Heard Adv. Vidhi Jain on behalf of the respondent-promoter. She has reiterated the contentions raised out by the promoter in his say. Adv. Jain has submitted that the respondent-promoter never authorized or permitted the respondent-agent to publish the impugned advertisement. She has further

submitted that the respondent-promoter has lodged a complaint with police and copy thereof has been furnished on record.

8. The respondent-promoter has lodged police complaint against the respondent-agent for publishing the impugned advertisement without displaying QR Code. A copy of the police complaint 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.
9. 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 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 and 46B/2023.
10. In view of the fact that a complaint is lodged against the respondent-agent by the promoter, this complaint stands disposed off accordingly.



(JAYANT B. DANDEGAONKAR)
DEPUTY SECRETARY
MahaRERA, PUNE

