

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

**SUO MOTU ADVERTISEMENT/  
PUNE CASE NO.118 OF 2023**

MahaRERA on its own Motion .... Complainant

Versus

**Gera Developments Pvt. Ltd.** .... Respondent-Promoter

**Projects -  
MahaRERA Project Registration No.  
P52100052259**

**Coram:Shri.F.D.Jadhav, Dy.Secretary-Cum-Head**

**Appearance :-** Adv.Rahul Kankariya for respondent.

**ORDER**

16<sup>th</sup> November,2023  
(Through Video Conferencing)

1. The present case has been initiated by MahaRERA suo-motu against the respondent for publishing advertisement of the aforesaid registered real estate project on website <https://geras-ioj-pune.in/discovery/> of Real Estate Project "Gera Island of Joy Project A" situated at Wagholi, Pune registered with MahaRERA Project No.P52100052259, without including the Quick Response 'QR' code of the said Real Estate in the said advertisement and thereby violated directions issued under MahaRERA Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A, dated 25.07.2023, read with Section-63 of the Act, 2016.
2. In pursuance of the aforesaid advertisement and in exercise of the powers delegated by MahaRERA under Section 81 of the "Act 2016" dated 26-04-2023 and 24<sup>th</sup> August, 2023, show cause notice dated 13.09.2023 was issued to the Respondent-promoter for taking action of imposing penalty against it for violation of the MahaRERA Order No.46/2023 and 46A in respect of 'QR' code. The Respondent-promoter in his reply dated

18-09-2023 has submitted that they does not own, control or operate said domain name (<https://geras-ioj-pune.in/discovery/>). The website domain of the Respondent is [www.Gera.in](http://www.Gera.in). The Respondent has denied specifically publication of any advertisement in any website in any manner without mentioning 'QR' code on it. According to Respondent they have posted on their official website page i.e., <https://www.Gera.in> wherein the RERA Registration Number of the project and 'QR' code are clearly visible. The promoter has lastly prayed that the show cause notice issued to him in this matter be quashed and set aside.

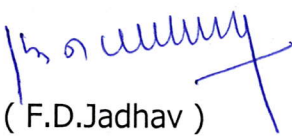
3. Adv.Rahul Kankariya has appeared for Respondent-Promoter in this matter. He has submitted copy of the complaint made by this promoter to the Koregaon Park Police Station and the Commissioner of Police, Pune City on 14-11-2023. It has been mentioned in the said complaint that some unknown person with a ill Motive to cause a wrongful loss to the complainant, has published/advertised the complainant's project without the consent of the complainant and without including the 'QR' code on his/her web page having domain name <https://geras-ioj-pune.in/discovery/>. This respondent specifically states in his complaint filed before the Police Authority that he does not own, control or operate said domain name in any manner whatsoever. According to the Promoter his official website domain name is [www.Gera.in](http://www.Gera.in) and he has submitted the said website at the time of making application with the Rera Authority for registration of the said project under the provisions of RERA. According to the Promoter act of the unknown accused person who owns, operates and controls the website having domain name <https://geras-ioj-pune.in/discovery/> have caused a wrongful loss to the promoter to face actions taken by the MahaRERA Authority for no fault made by them. Lastly this Promoter requested the Police Authorities to investigate the matter and take appropriate legal action against the unknown accused person who owns, operate and control the website having <https://geras-ioj-pune.in/discovery/> as stated hereinabove.

4. Thus it is evident from the reply dated 13-09-21023 submitted by the Promoter couple with the complaint dated 14-11-2023 lodged with



Koregaon Police Station and the Commissioner of Police, Pune City that the promoter is not liable for advertising the impugned advertisement on web page of project "Gera Island of Joy Project A". This promoter has not given approval for such impugned advertisement nor the person who published the advertisement sought approval from the Promoter. It explicitly indicates that this Promoter was not aware of the advertisement published by the person on their website. Therefore it will not be just and proper to hold guilty to the Promoter for the breach of the Order issued by MahaRERA, Mumbai vide Order No.46/2023, dated 29.05.2023 read with MahaRERA Order No.46A/2023 dated 25.07.2023.

5. It can be seen from the record that this Promoter was ignorant of the impugned advertisement. As per assurance given to the Maharera Authority, he has lodged complaint against the unknown person who has published the impugned advertisement on website before the Koregaon Park Police Station and the Commissioner of Police, Pune City. This Promoter has specifically contended in the said complaint that this unknown person without the consent of Promoter and without his authorization had published the advertisement of the project "Gera Island of Joy Project A" on website. In this background it cannot be said that this Promoter has any role in publishing the impugned advertisement. It explicitly indicates that this Promoter is not liable for violation of the MahaRERA Order No. No.46/2023 and No.46A/2023.
6. In view of the above stated facts, circumstances and relevant provisions of law there appears no prima facie case established against this Promoter. Consequently this Promoter cannot be held responsible for violation of the aforestated MahaRERA Order No.46 and 46A of 2023.
7. Consequently this is not a fit case to impose penalty in the matter under Section-63 of the Act, 2016 read with MahaRERA Order No.46/2023 and 46A of 2023. In this background, this case stands disposed off.

  
( F.D.Jadhav )  
Dy.Secretary-Cum-Head,  
MahaRERA, Pune