

M/s TDI Infrastructure Ltd. V/s Bimla

Appeal No. 510/2019

Present: Ms. Apeksha Gupta, Advocate, for Sh. Shobit Phutela, Advocate, ld. counsel for the appellant.

Sh. Pradeep Khatri, Advocate, ld. counsel for the respondent.

The application moved by the appellant for waiver of the condition of pre-deposit was dismissed vide our order dated 19.09.2019. The appellant/promoter was directed to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called "the Act"). The appellant was required to deposit the whole of the amount payable to the respondent/allottee as imposed by the ld. authority vide impugned order. The appellant/promoter was granted time to deposit a requisite amount with this Tribunal on or before 17.10.2019. The said time has already expired. As per the report of the office, no amount has been deposited till date with this Tribunal by the appellant/promoter.

It is settled principle of law that the provisions of proviso to Section 43(5) are mandatory in nature. The appellant/promoter is required to deposit the requisite amount to get this appeal entertained. In the instant case, the appellant/promoter has not complied with the mandatory provisions of proviso to Section 43(5) of the Act, which were a condition precedent. So, the present appeal cannot be entertained and the same is hereby dismissed.

File be consigned to the records.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
18.10.2019

Inderjeet Mehta  
Member (Judicial)  
18.10.2019

Anil Kumar Gupta  
Member (Technical)  
18.10.2019

