

M/s TDI Infrastructure Ltd. Vs. Vivek Kadyan
Appeal No.332 of 2019

Present: Shri Rajnish Singh, Advocate, ld. Counsel for the appellant.
Shri Sankalp, Advocate, ld. Counsel for the respondent.

Shri Sankalp, Advocate has filed Vakalatnama on behalf of the respondent.

Vide our last order dated 01.10.2019, the appellant/promoter was directed to deposit the requisite amount to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'), on or before 21.10.2019. But as per the report of the office and the fact not disputed by the learned counsel for the appellant, no amount has been so far deposited by the appellant with this Tribunal to comply with the aforesaid provisions.

It is settled principle of law that the provisions of proviso to section 43(5) of the Act are mandatory. It is a condition precedent for entertainment of the appeal filed by the promoter to deposit the requisite amount. In the instant case, the appellant/promoter has not complied with the mandatory provisions of proviso to section 43(5) of the Act inspite of sufficient opportunity. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

File be consigned to records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
22.10.2019

Inderjeet Mehta
Member (Judicial)
22.10.2019

Anil Kumar Gupta

Member (Technical)
22.10.2019