

M/s Ramprastha Promoters & Developers Pvt. Ltd

Vs.

Mukta Chadha & Anr.

Appeal No. 674 of 2019

Present: Shri Tarun Arora, Authorized Representative on behalf of the appellant.

Vide our last order dated 11.10.2019 the application moved by the appellant/promoter for waiver of the condition of pre-deposit was dismissed. The appellant/promoter was directed to deposit the whole of the amount payable to the respondent/allottee as imposed by the Ld Authority vide impugned order with this Tribunal on or before 07.11.2019 in order to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. As per the report of the office no amount has been deposited till date by the appellant/promoter.

3. It is settled principle of law that the provisions of proviso to section 43(5) of the Act are mandatory in nature. 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.

4. File be consigned to records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
08.11.2019

Inderjeet Mehta
Member (Judicial)
08.11.2019

Anil Kumar Gupta
Member (Technical)
08.11.2019