

Parsvnath Developers Ltd. & anr.
Vs.
Mohit Khirbat
Appeal No.1323 of 2019

Present: Ms. Rupali S. Verma, Advocate for Shri Shekhar Verma,
Advocate, Ld. counsel for the appellants.

Learned counsel for the appellants states that the previous cost of Rs.5,000/- will be deposited with the Haryana State Legal Services Authority, Panchkula during the course of day.

2. Vide our last order dated 27.02.2020, the appellants/promoters were 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 12.03.2020. But as per the report of the office and the fact not disputed by the learned counsel for the appellants, no amount has been so far deposited by the appellants with this Tribunal to comply with the aforesaid provisions.

3. 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 appellants/promoters have 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
13.03.2020

Inderjeet Mehta
Member (Judicial)
13.03.2020

Anil Kumar Gupta
Member (Technical)
13.03.2020