

M/s Imperia Wishfield Ltd.
V/s
Akshay Mathur

Appeal No. 160 of 2020

Present: Shri Sehaj Bir Singh, Advocate, Ld. counsel for the appellant.
(on telephone)

In view of the report of the office, the present appeal is hereby restored.

The present appeal was adjourned sine-die due to pendency of the writ petition filed by the appellant-promoter before the Hon'ble High Court. It has not been disputed before us that the said Writ petition filed by the appellant was dismissed by the Hon'ble High Court vide order dated 16.10.2020. It is further not disputed even the SLPs preferred against the order of the Hon'ble High Court has been dismissed by the Hon'ble Apex Court vide orders dated 11.05.202 & 13.05.2022. The appellant was granted 30 days' time to pursue the appeal by complying with the condition of pre-deposit as contemplated under proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (In short Act).

As per the report of the office, the appellant has not deposited any amount with this Tribunal. So, the appellant has failed to comply with the mandatory provisions of proviso to Section 43(5) of the Act.

Hence, the present appeal cannot be entertained due to non-compliance of the aforesaid mandatory provisions of proviso to Section 43(5) of the Act.

Consequently, the present appeal is hereby dismissed.

File be consigned to the records.

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

Inderjeet Mehta
Member (Judicial)

27.06.2022
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