

M/s Splendor Landbase Ltd. v. Manish Kumar
Appeal No.17 of 2020

Present: Shri Ravi Aggarwal, Advocate,
Ld. counsel for the appellant (through WhatsApp).

Shri Parveen Mehta, Advocate,
Ld. counsel for the respondent.

As per the report of the office, the appellant has not deposited any amount to comply with the provisions of the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called, the Act).

The application moved by the appellant for waiver of the condition of the pre-deposit was dismissed by this Tribunal vide order dated 28th February, 2020. The appellant was given time to deposit the amount before this Tribunal on or before 24.03.2020 and the case was fixed for 25.03.2020. Thereafter, the matter remained pending adjudication before the Hon'ble High Court as well as before the Apex Court. The SLP filed by the appellant has been dismissed by the Hon'ble Apex Court vide order dated 12th May, 2022. The Hon'ble Apex Court while disposing of the SLP had granted 30 days' time to the appellant to comply with the proviso to Section 43(5) of the Act. That period has also expired on 12th June, 2022, but even then no amount has been deposited by the appellant. The appellant-promoter has failed to comply with the mandatory provisions of Section 43(5) of the Act in spite of ample opportunities.

Thus, the appeal filed by the appellant-promoter cannot be entertained due to non-compliance of provisions of Section 43(5) of the Act. Consequently, the present appeal is hereby dismissed.

Copy of this order be sent to the concerned parties.

File be consigned to the record.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

July 04, 2022
Manoj Rana