

**Emaar MGF Land Ltd.**  
**Vs.**  
**Ravi Kanta Punchhi & Anr.**  
**Appeal No. 35 of 2019**

Present: Shri Shekhar Verma, Advocate and Shri Yashvir Balhara, Advocate, ld. counsel for the appellant.

**ORDER**

At the time of filing this appeal the appellant has not deposited any amount to comply with the provisions of proviso to Section 43(5) 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 pre-deposit was dismissed by this Tribunal on 29.07.2019. The appellant was directed to make the pre-deposit as required under Section 43(5) of the Act on or before 26.08.2019.

2. It is pertinent to mention that the appellant was required to deposit a total sum of Rs.34,55,481/- imposed in the impugned order by the learned Haryana Real Estate Regulatory Authority, Gurugram (hereinafter called the 'Authority') out of which the appellant has deposited only a sum of Rs.5,67,926/- on 02.01.2019 and Rs.3,97,956/- on 18.01.2019 i.e. total amount of Rs.9,65,882/-. Thereafter, the appellant had deposited the demand draft of Rs.24,89,599/- on 27.08.2019 as on the basis of its application the time to deposit the amount was enlarged

by one day. The said demand draft deposited by the appellant was returned by the bank as the time of its validity had elapsed. The said demand draft was returned to learned counsel for the appellant on 03.09.2019 with the direction to get the same re-validated or to submit the fresh demand draft or to deposit the amount through RTGS in the account of this Tribunal within three days. In the meanwhile, the appellant also preferred RERA Appeal No.20/2019 before the Hon'ble Punjab and Haryana High Court against the order dated 29.07.2019 passed by this Tribunal.

3. As per report of the office, the appellant has only deposited a sum of Rs.9,65,882/-, however, the appellant was required to deposit a total sum of Rs.34,55,481/- and there was deficiency of Rs.24,89,599/-. But, thereafter the appellant has not deposited any amount with this Tribunal so far. RERA Appeal No.20/2019 was dismissed as withdrawn on April 19, 2022. So, the order dated 29.07.2019 passed by this Tribunal stands intact. The appellant has not deposited any amount so far to comply with the provisions of proviso to Section 43(5) of the Act.

4. Learned counsel for the appellant has sought more time to make the necessary pre-deposit, but, we do not find any substance in this plea of learned counsel for the appellant. The present appeal was put up before this

Tribunal for the first time on 17.01.2019 i.e. about 3½ years back. Even the application for waiver of the condition of pre-deposit was dismissed by this Tribunal years back. The appeal filed by the appellant before the Hon'ble High Court was got dismissed as withdrawn on 19.04.2022 i.e. more than two months back, but still the appellant has not come forward to comply with the provisions of proviso to Section 43(5) of the Act, which is condition precedent for entertainment of the appeal. So, the appellant does not deserve any further extension of time.

5. Thus, the appellant has failed to comply with the mandatory provisions of proviso to Section 43(5) of the Act, which is a condition precedent for entertainment of the appeal. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

6. Copy of this order be sent to all the concerned.

7. 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 05, 2022  
CL