

Ramprastha Promoters & Developers Pvt. Ltd.

Vs.

Ashok Kapoor

Appeal No. 355 of 2021

Present: Shri Tarun Arora, Ld. Authorised Representative, for the appellant.

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

On the last date of hearing, ld. Authorised Representative of the appellant has not pressed the application for waiver of the condition of pre-deposit and has sought time to make the pre-deposit. This Tribunal has directed the appellant to deposit the requisite amount on or before 30.06.2022.

As per the report of the office, the appellant has not deposited any amount till date. Thus, the appellant-promoter has failed to comply with the mandatory provisions of proviso to Section 43(5) of the Act.

It is settled principle of law that the compliance of provisions of proviso to Section 43(5) of the Act is a condition precedent for entertainment of the appeal. The appellant-promoter has failed to comply with the mandatory provisions of proviso to Section 43(5) of the Act.

Hence, the present appeal cannot be entertained and the same is hereby dismissed.

File be consigned to the records.

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

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

04.07.2022  
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