

Ramprastha Promoters & Developers Pvt. Ltd.

Vs.

Gulshan Kumar Batra

Appeal No. 539 of 2021

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

Office report perused.

The appeal be registered.

After filing of the present appeal, though various objections have been raised by the office attached to this Tribunal but the said objections have so far not been removed.

The file has been put up before this Tribunal on the request of Shri Tarun Arora, Ld. Authorised Representative for the appellant stating that without removal of the objections, the same be placed before this Tribunal.

The office attached to this Tribunal has also reported that the appellant has not deposited any amount to comply with the mandatory provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (In short Act).

Ld. Authorised Representative for the appellant has submitted that due to financial crisis, the appellant is not in a position to deposit the requisite amount to comply with the 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.

Inderjeet Mehta  
Member (Judicial)  
Haryana Real Estate Appellate Tribunal,  
Chandigarh

Anil Kumar Gupta  
Member (Technical)

15 .07.2022  
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