

International Land Developers Pvt. Ltd.

Vs.

Nitin Mathur & Anr.

Appeal No.275 of 2022

Present: Shri Akshat Mittal, Advocate, learned 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) 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 15.09.2022. The appellant was directed to make the pre-deposit as required under Section 43(5) of the Act on or before 12.10.2022 and the case was adjourned to 13.10.2022 for seeing the compliance of the order and further appropriate proceedings.

2. However, on 13.10.2022 learned proxy counsel for the appellant had sought adjournment for three weeks for deposit of the above said amount and the case was adjourned for today. Even till date, as per the report of the office and the fact not disputed by learned counsel for the appellant, no amount has been so far deposited by the appellant with this Tribunal to comply with the aforesaid provisions.

3. It is settled principle of law that the provisions of proviso to Section 43(5) of the Act are mandatory. It is a condition precedent for entertainment of the appeal filed by the promoter to deposit the requisite amount. In the instant case, the appellant/promoter has not complied with the mandatory provisions of proviso to Section 43(5) of the Act inspite of sufficient opportunity. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

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

5. File be consigned to the record.

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

Anil Kumar Gupta
Member (Technical)

November 09, 2022.

CL