

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 897 of 2022
Date of Decision: 02.03.2023

Alpha Corporation Development Private Limited Registered office
at Golf View Corporate Towers, 6th Floor, Tower A, Golf
Course Road, Sector-42, Gurugram-122002.

Appellant

Versus

Amit Kumar, R/o House No. 854, 1st Floor, Urban Estate,
Sector-17, Karnal, Haryana-132001.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta
Shri Anil Kumar Gupta**

**Chairman
Member (Judicial)
Member (Technical)**

Present: Shri Vikash Verma, Advocate,
for the appellant.

ORDER:

Rajan Gupta, Chairman:

On the last date of hearing, the following order was
passed:-

“Office report perused.

The appeal be registered.

*An application for waiver of the condition of pre-
deposit has been preferred by the appellant. However,
when confronted with the observations made by the Hon’ble
Supreme Court in M/s Newtech Promoters and Developers
Pvt. Ltd. Vs. State of UP and others etc. 2022 (1) RCR (Civil)
357, ld. counsel for the appellant has stated that he does
not want to pursue with the application for waiver of the
condition of pre-deposit and the same may be dismissed as
withdrawn. Ordered accordingly. Ld. counsel for the
appellant has sought three weeks’ time to comply with the
provisions of proviso to Section 43(5) of the Real Estate
(Regulations &Development) 2016.*

Appellant is hereby directed to deposit the requisite amount on or before the 01.03.2023.

Now to come up on 02.03.2023 for seeing the compliance.”

2. No pre-deposit amount in terms of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (for short ‘the Act’) has been made. It has been made clear in the Act that when the promoter files an appeal before the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited the pre-deposit amount.

3. On 07.02.2023, the time was sought for this purpose. Sufficient time was granted to the appellant. He was directed to deposit the pre-deposit amount on or before 01.03.2023. Needful has not been done.

4. Thus, in view of the fact that mandatory provision of Section 43(5) of the Act necessary deposit had not been complied with, we have no option but to dismiss the present appeal. Dismissed due to non-compliance of pre-deposit.

Justice Rajan Gupta
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

02.03.2023
Manoj Rana