

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 161 of 2023
Date of Decision: 01.06.2023

M/s Jasminie Buildmart Private Limited, 406, 4th Floor, Elegance Tower, District Centre Jasola, New Delhi, South Delhi-110025.

Appellant

Versus

1. Sahib Ram Sehrawat

2. Sunaina Sehrawat and Sudhir Sehrawat

Both R/o Flat No. 702, Tower 4, The Close North, Nirvana Country, Sector 50, Gurugram 122018.

Respondents

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta**

**Chairman
Member (Judicial)**

Present: Mr. Kunal Gupta, Advocate,
for the appellant.

ORDER:

Rajan Gupta, Chairman (Oral):

On the last date of hearing, the following order was passed in this case:

“On the last date of hearing, the following order was passed in this case:-

“Amount of pre-deposit under proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has not been made. The appeal, thus, cannot be entertained.

List on 01.05.2023 for appropriate order.”

Learned counsel for the appellant prays for last opportunity to make the pre-deposit in the aforesaid terms.

Prayer is accepted.

Adjourned to 01.06.2023.

Needless to observe that in case pre-deposit is not made, the appeal is liable to be dismissed as not maintainable.”

2. Admittedly, till now, appellant has not made any pre deposit. This appeal, thus, deserves outright dismissal.
3. At this stage, learned counsel for the appellant submits that he may be allowed to withdraw the appeal with liberty to move appropriate application for revival of the appeal, in case, the appellant is able to make pre deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.
4. Dismissed as withdrawn with the aforesaid liberty.
5. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

01.06.2023
Rajni