

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

---

**Appeal No.886 of 2022  
Date of Decision: 13.04.2023**

M/s Pareena Infrastructures Private Limited, C-1(7A), 2<sup>nd</sup>  
Floor, Omaxe City Centre, Sohna Road, Gurugram, Haryana.

Appellant

Versus

Udit Sharma, House No.17, Street-1, Vijay Nagar, Meerut.

Respondent

**CORAM:**

Justice Rajan Gupta	Chairman
Shri Inderjeet Mehta,	Member (Judicial)
Shri Anil Kumar Gupta,	Member (Technical)

**Present:** Shri Gagandeep Sanwal, Advocate,  
on behalf of Shri Neeraj Sheoran, Advocate,  
for the appellant.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN (ORAL):**

This appeal is listed today. There is report by the  
Registry which reads as under:-

*“This appeal is pending in the registry for removal  
objections since long time. The advocate concerned  
has not come to the office for removal objection,  
despite repeated reminders. Moreover, in this  
case/appeal calculation of the pre-deposited amount  
has not been prepared as the Statement of account*

## Appeal No.886 of 2022

*has not submitted by the counsel of the appellant till date in this Tribunal.”*

2. Shri Gagandeep Sanwal, Advocate, has put in appearance. A query has been put to him as to why the objections have not been removed despite repeated reminders sent by the Registry of this Tribunal. No clear response is forthcoming. Besides, no pre-deposit has been made in pursuance to the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act'). It is settled principle of law that the compliance of the proviso to section 43(5) of the Act is mandatory. It is a condition precedent for entertainment of the appeal filed by the promoter to deposit the requisite amount. Consequently, the present appeal cannot be entertained and the same is dismissed as such.

3. At this stage, Mr. Gagandeep Sanwal, learned counsel appearing for the appellant submits that he may be given liberty to file appropriate application for revival of the appeal in case the appellant is ready to comply with the proviso to Section 43(5) of the Act and remove the objections raised by the Registry.

## Appeal No.886 of 2022

4. In the interest of justice, it is directed that in case the appellant removes the objections raised by the Registry and files appropriate application within the ambit of the Act within two weeks from today alongwith pre-deposit, the same shall be considered as per law.

April 13, 2023

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

CL