

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.883 of 2022
Date of Decision: 13.04.2023**

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

Appellant

Versus

Shri Gaurav Choudhary, House No.3, First Floor, Hauz Khas
Village Delhi-110016.

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*

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has not been prepared as the Statement of account 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.

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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)

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