

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

Appeal No.199 of 2023 (O&M)  
Date of Decision: 10.10.2023

Spaze Tower Pvt. Ltd., Tower-C, Spaxeedge, Sector 47, Sohna road,  
Gurugram 122002

Appellant

Versus

Tinki Jain, Flat No.A-231, First Floor, Today, Blossom 1, Sector 47,  
Gurugram 122018

Respondent

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Ms. Arpita Khandelwal, Advocate,  
for the appellant

**ORDER:**

**Rajan Gupta, Chairman (Oral):**

On the last date of hearing, i.e. 25.09.2023, the following  
order was passed:-

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

*“Ms. Tanya Kanwal, prays for some time to seek  
instructions regarding compliance of Section 43(5) of the  
Real Estate (Regulation and Development) Act, 2016.*

*To come up on 25.09.2023.”*

*As no pre-deposit as required in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has been made. This appeal deserves outright dismissal.*

*However, in view of the fact that an adjournment has been moved on the ground that learned counsel for the appellant is indisposed, we adjourn the matter.*

*To come up on 10.10.2023.*

*Copy of this order be placed on connected Appeal no. 199 of 2023”.*

2. As per report of the Registry, in the instant appeal, pre-deposit as envisaged by proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (for short, ‘the Act’) has not been made. Sufficient opportunities in this regard have already been granted to the appellant, but the appellant has not deposited any amount in terms of aforesaid mandatory proviso. Thus, the present appeal cannot be entertained and same is hereby dismissed.

3. Copy of this order be communicated to the appellant, counsel for the appellant and the Authority, Gurugram.

5. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)