

**BEFORE THE HARYANA REAL ESTATE
APPELLATE TRIBUNAL**

Appeal No. 197 of 2023
Date of Decision: 07.11.2023

Spaze Towers Pvt. Ltd. Tower C, Spazedge, Sector 47,
Gurugram-Sohana Road, Gurugram.

Appellant

Versus

Madhvi Pandit, Sector 7, Panchkula, Haryana.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Anil Kumar Gupta**

**Chairman
Member (Technical)**

Present: Nemo.

ORDER:

Rajan Gupta, Chairman (Oral):

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

*“This appeal is pending in the Registry for considerable
time. Following objection was raised by the Registry.*

*(i) No pre deposit has been made in terms of proviso to
Section 43(5) of the Real Estate (Regulation and
Development) Act, 2016.*

*Reminder dated 25.05.2023 was sent to the appellant for
removing the aforesaid objection but, no response has been
received.*

*In view of the above, the appeal deserves outright
dismissal.*

*At this stage, Mr. Yashvir Singh Balhara, Advocate, has
put in appearance on behalf of the appellant. He submits
that he may be allowed an opportunity to do the needful.*

Prayer is accepted.

*Purely in the interests of justice, one-week time is granted
subject to payment of Rs. 10,000/- as costs. Same be*

deposited with **Poor Patients' Welfare Fund, PGIMER, Chandigarh.**

It is made clear that costs shall be payable by the Authorised Representative of the appellant-promoter (Spaze Tower Pvt. Ltd.).

In case, no steps are taken, the appeal shall be liable to be dismissed for non-prosecution.

Adjourned to 07.11.2023.

It is made clear that if any execution petition is pending before the Executing Court, in the meanwhile, it is at liberty to proceed further with the same.

Copy of this order be forwarded to the Authority at Gurugram.”

2. As per report from the Registry, appellant has failed to make pre-deposit as required in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.
3. Costs of Rs. 10,000/- imposed on the appellant by this Tribunal vide order dated 04.10.2023 has not been deposited with Poor Patients' Welfare Fund, PGIMER, Chandigarh. Besides, appellant remains unrepresented.
4. Appeal, is thus, dismissed for non-prosecution.
5. Copy of this order be sent to the parties, learned counsel for the parties and Haryana Real Estate Regulatory Authority, Gurugram.
6. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)