

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 738 of 2022
Date of Decision:31.01.2024

RPS Infrastructure Ltd. Regd. Office at 1117-1120, DLF Tower-B,
Jasola District Centre, New Delhi-110025.

Appellant

Versus

1. Poonam Chawla, Resident of 5E-66, NIT, Faridabad-121001 (Haryana).
2. Haryana Real Estate Regulatory Authority, Panchkula, Regd. Office at Mini Secretariat, New Office Block, 2nd & 3rd Floor, Sector-1, Panchkula,134114.

Respondents

CORAM:

**Justice Rajan Gupta
Shri Anil Kumar Gupta,**

**Chairman
Member (Technical)**

Present: Mr. Shubnit Hans, Advocate,
for the appellant.

Mr. Parveen Chawla,
Authorised Representative,
for the respondent no. 1.

ORDER:

Rajan Gupta, Chairman (Oral):

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

*“There is written request for adjournment on
behalf of counsel for the appellant on the ground that
he is not in the country.*

*A perusal of the paper book shows that since
filing this appeal has been repeatedly adjourned on
one ground or the other.*

*On the last date of hearing, a query was raised
by this Tribunal as to whether compliance in terms of*

proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 is necessary. No clear answer is forthcoming nor any affidavit has been filed.

Purely, in the interests of justice, the case is adjourned to 31.01.2024.

We make it clear that we have not passed any interim order staying the proceedings before the Executing Court.”

2. Admittedly, pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has not been made till date. Appeal, thus, cannot be entertained.

3. Faced with this situation, Mr. Hans submits that he may be allowed to withdraw the present appeal as he would like to avail any other remedy permissible in law.

4. The appeal is dismissed as withdrawn in view of aforesaid statement.

5. Copy of this order be communicated to the parties/learned counsel for the parties and Authority below.

6. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

31.01.2024
Rajni