

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.633 of 2023 (O&M)

Date of Decision:14.03.2024

M/s Saraf Projects Pvt. Ltd. Registered Office at D-152,
Okshla Industrial Area Phase-I, New Delhi-110020

Appellant/Promoter

Versus

Mr. Satbir Singh son of Shri Dharam Singh Malik, Care
of Malik Hospital, Chand Colony, Tehsil Samalkha,
District Panipat (Haryana).

Respondent/allottee

CORAM:

Justice Rajan Gupta

Chairman

Present: Nemo.

ORDER:

Rajan Gupta, Chairman (Oral):

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

*“On 12.01.2024, the following order was
passed in this case:-*

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

*“Pre deposit as envisaged by proviso to
Section 43(5) of the Real Estate (Regulation and
Development) Act, 2016 has not been made. An
application for waiver thereof has, however, been
moved. It is inexplicable as to how the statutory
provisions can be overlooked.*

*Learned counsel for the appellant prays for
some time to address on this issue.*

Adjourned to 12.01.2024.

*Learned counsel for the appellant prays for one
last opportunity. In the interests of justice, one last
opportunity is granted.*

Adjourned to 07.02.2024.”

Today again Mr. Chugh prays for some more time.

To come up on 14.03.2024.”

2. As per report from the registry, till date 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.

3. Case has been called out twice since morning. Appellant remains unrepresented.

4. The appeal cannot be entertained due to non-compliance of the statutory provision of Section 43(5) of the Act. The case was adjourned on three occasions earlier on request of learned counsel for the appellant to enable him to make the pre-deposit, same being mandatory in view of aforesaid proviso and judgement delivered by the Hon’ble Supreme Court in *M/s Newtech Promoters and Developers Pvt. Ltd. Vs. State of UP and others etc. 2022 (1) RCR (Civil) 357*,

5. Though, an application for waiver has also been moved, but none has put in appearance to press the same.

6. In these circumstances, the present appeal is dismissed for non-prosecution and non-compliance of aforesaid proviso.

7. File be consigned to the records.

Justice Rajan Gupta
Chairman

Haryana Real Estate Appellate Tribunal

14.03.2024

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