

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No.429 of 2023 (O&M)  
Date of Decision: 18.03.2024**

1. M/s Anant Raj Corporation Ltd. Registered office at Second Floor, C-3, Qutub Institutional Area Road, Block-C, Katwaria Sarai, New Delhi-110016.

2. M/s Jubilant Software Service Ltd. Registered office at E-4, Defence Colony, New Delhi-110024.

Appellants

Versus

1. Rakesh Kumar Jain;

2. Madhavi Jain

Both residents of House No. 11/368, Sunder Vihar,  
Outer Ring Road, New Delhi-110087.

Respondents

**CORAM:**

**Justice Rajan Gupta**

**Chairman**

Present: Mr. Ajiteshwar Singh, Advocate  
for the appellants.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN (ORAL):**

Present appeal is directed against the order dated 02.02.2023 passed by the Haryana Real Estate Regulatory Authority at Gurugram whereby delay possession charges were granted to the respondent-allottees with certain ancillary directions.

2. Appellants preferred the instant appeal against the said order before this Tribunal, however, did not make complete pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

3. Today, he submits that a settlement has been arrived at between the parties and even execution petition has been withdrawn by the respondent-allottees. He further submits that in view of the same, he may be allowed to withdraw the appeal.

4. In view of non-compliance of the mandatory provision of pre-deposit, this Tribunal is not inclined to entertain the appeal and same deserves outright dismissal.

5. However, in the interests of justice, documents produced by counsel for the appellants are taken on record.

6. Appeal is hereby dismissed for non-compliance of aforesaid proviso.

7. In view of above, the amount of Rs.16,00,472.40 deposited by the appellants with this Tribunal at the time of filing of this appeal as pre-deposit in terms of proviso to Section 43(5) of the Act, along with interest accrued thereon, be remitted to the learned Authority for disbursement of the same to the appellants, subject to tax liability, if any, according to law.

8. The question regarding acceptance of deficit pre-deposit by the Registry needs to be examined on the administrative side. Registrar to put up the file accordingly.

9. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

18.03.2024  
Manoj Rana