

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.393 of 2023 (O&M)

Date of Decision: 03.04.2024

M/s Dwarkadhis Projects Pvt. Ltd. Registered office at Aravalli heights Sector 24 NH-8, Bhiwadi Bypass Road Dharuhera, Rewari, Haryana-123106.

Appellant

Versus

Manoj Kumar Singh, R/o House No. 464, Sector-8, Part-II, Karnal, Haryana-132001.

Respondent

CORAM:

Justice Rajan Gupta

Chairman

Present: Mr. Mukul Gupta, Advocate,
for the appellant.

O R D E R:

Rajan Gupta, Chairman (Oral):

Present appeal is directed against the order dated 19.07.2022 passed by the Authority at Panchkula whereby complaint preferred by the complainant (respondent-allottee herein) was disposed of with the direction that a fresh offer of possession along with statement of account be issued to him including Delay Possession Charges (DPC). Admittedly, appellant-promoter has not made any pre-deposit as required under proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. It appears that appellant had also preferred a CWP No.25657 of 2023 before the Hon'ble High Court of Punjab and Haryana, wherein the following order was passed:

“Having argued the matter at some length, learned counsel for the petitioner submits that he be permitted to withdraw the petition to enable the petitioner to move the Tribunal, which is already in seisin of the appeal filed by it, qua the concerns/grievances, as sought to be raised in this petition.

Dismissed as withdrawn.”

3. Aforesaid order was produced before this Bench on 28.02.2024. Same was taken on record. However, more time was granted on request of Mr. Mukul Gupta.

4. Having considered the issue in light of the proviso to Section 43(5) of the Act, this Bench is of the considered view that the present appeal cannot be entertained in the present form as pre-deposit has not been made. Same is dismissed as such.

5. File be consigned to the records.

6. At this stage, Mr. Gupta submits that appellant-company (M/s Dwarkadish Projects Pvt. Ltd.) has gone into CIRP.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

03.04.2024
Manoj Rana