BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 742 of 2023 (O&M) Date of Decision: 05.04.2024

SS Group Pvt. Ltd. registered office at SS House, Plot No.77, Sector 44, Gurugram, Haryana 122003

Appellant

Versus

Subhas Pramanik resident of House No.14, Naturovill, Yapral, Secunderabad, Hyderabad.

CORAM:

Respondent

Justice Rajan Gupta Chairman

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

ORDER:

<u>Rajan Gupta, Chairman (Oral):</u>

Present appeal is directed against order dated 19.01.2023 passed by the Authority at Gurugram whereby recovery certificate was issued by the Adjudicating Officer.

2. As per report from the Registry, pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has not been made at the time of filing of the appeal. This fact has not been controverted by Mr. Singh. He, however, submits that the settlement has been arrived at between the parties. He has produced a 'Settlement Agreement' dated 12.03.2024. Same is taken on record. He further submits that the allottee has already withdrawn execution proceedings pending before the Adjudicating Officer.

3. In view of the fact that compliance of aforesaid provison has not been made, thus, the appeal cannot be entertained. Dismissed as such.

4. File be consigned to the records.

Justice Rajan Gupta Chairman Haryana Real Estate Appellate Tribunal

05.04.2024 CL