

M/s Ansal Housing Vs. Vinod Kumar
Appeal No. 661 of 2019

Present: Shri Abhinav Kansal, Advocate, Ld counsel for the appellant.

Vide our order dated 04.09.2019, the application moved by the appellant for waiver of the condition of pre-deposit was dismissed. The appellant/promoter was directed to deposit whole of the amount payable to the respondent/allottee as imposed by the Ld Authority, vide impugned order dated 09.04.2019 on or before 26.09.2019. As per the report of the office no amount has been deposited so far by the appellant/promoter to comply with the order dated 04.09.2019 and the provisions of proviso to section 43(5) of the Haryana Real Estate (Regulation and Development) Act, 2016.

Ld counsel for the appellant states that the appellant has filed an appeal against the order dated 04.09.2019, which is pending before the Hon'ble High Court. He has very fairly conceded that no stay order has been issued by the Hon'ble High Court in the appeal filed by the appellant. It is settled principle of law that mere filing of an appeal does not amount to staying the operation of the order passed by the court below. Thus, the appellant/promoter has not complied with the provisions of proviso to section 43(5) of the Act, which is a condition precedent for entertainment of the appeal.

Consequently the present appeal is hereby dismissed due to non-compliance of proviso to section 43(5) of the Act.

File be consigned to record.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
14.10.2019

Inderjeet Mehta
Member (Judicial)
14.10.2019

Anil Kumar Gupta
Member (Technical)
14.10.2019