

CHD Developers Ltd. Vs. Mr Vijay Rekhi & Anr.

Appeal No. 407 of 2019

Present: Shri Vikas Deep, Advocate, proxy counsel for Shri Shobhit Phutela, Advocate, Ld counsel for the appellant.

Shri Anuj Dewan, Advocate, Ld counsel for the respondents.

The application moved by the appellant/promoter for waiver of the condition of pre-deposit was dismissed vide our order dated 18.09.2019 and the appellant/promoter was directed to deposit the whole of the amount payable to the respondent/allottee imposed by the Ld Authority vide impugned order dated 16.10.2018 on or before 14.10.2019.

As per the report of the office no amount has been deposited till date by the appellant/promoter.

It is settled principle of law that the provisions of proviso to section 43(5) of the Haryana Real Estate (Regulation and Development) Act, 2016 is mandatory. It is a condition precedent for the promoter to get the appeal entertained to deposit the amount imposed by the Ld Authority.

In the instant case the appellant/promoter has not deposited any amount inspite providing sufficient opportunity, so the present appeal cannot be entertained.

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
15.10.2019

Inderjeet Mehta
Member (Judicial)
15.10.2019

Anil Kumar Gupta
Member (Technical)
15.10.2019