

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Appeal No. 112 of 2024 (O&M)  
Date of Decision: 15.05.2024**

Assotech Moonshine Urban Developers Pvt. Ltd. through its Director Sanjeev Srivastava registered office at 105, Pankaj Tower, First Floor, Opposite Supreme Enclave Society, mayar Vihar, Phase-I, East Delhi-110091.

Appellant/Promoter

Versus

1. Sparsh Aggarwal;  
2. Bahuguna  
Residents of B-103, Second Floor, Sarvodaya Enclave,  
Near Malvy Nagar, New Delhi 110017.

Respondent/allottees

**CORAM:**

Justice Rajan Gupta                      Chairman

**Present:**

Mr. A.P.S.Nain, Advocate  
for the appellant.

**ORDER:**

**Rajan Gupta, Chairman (Oral):**

On the last date of hearing, the following order was passed in this case:-

*“Learned counsel for the appellant fairly admits that compliance of proviso to Section 43(5) Real Estate (Regulation and Development) Act, 2016 has not been made. It appears that in view of the same appropriate order needs to be passed. However, perusal of the impugned order shows that arrest warrants of Mr. Mukul Kumar and Sanjeev Srivastava were issued.*

*A report from the Executing Court be sought about the stage of proceedings after the impugned order was passed.*

*List on 15.05.2024.”*

2. Pursuant to the aforesaid order, a report of the Adjudicating Officer, HRERA, Gurugram has been received. Same has been perused. Relevant part thereof reads as under:-

*“On 20.03.2024, it was pointed out that parties have settled the matter. Copy MoU was put on file. Learned counsel for DH requested to withdraw execution petition. On the basis of statement given by learned counsel for DH, the Execution petition was dismissed as withdrawn. Consequently, arrest warrant against Director of JD viz. Sh. Sanjeev Srivastava and also Recovery Certificate (already issued to the Collector, Gurugram) have been recalled.*

*Copy of order dated 25.10.2023, 18.01.2024, 20.03.2024 are annexed herewith.”*

3. This Bench does not intend to express any opinion on the issue as the appeal cannot be entertained in view of the fact that pre-deposit has not been made as required by proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

4. The appeal is, thus, dismissed as such. Report is, however, taken on record.

5. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

15.05.2024  
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