

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

**Appeal No. 100 of 2024 (O&M)
Date of Decision: 15.05.2024**

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

Appellant/Promoter

Versus

Rajender Kumar Gupta Resident of B-9/6, DLF City Phase, Gurugram, Haryana-122002.

Respondent/allottee

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:-

“Arrest Warrants against aforesaid Directors of JD viz. Sh. Mukul Kumar and Sh. Sanjeev Srivastava were ordered to be issued for next date, which was 06.03.2024. JD filed application with a prayer to recall aforesaid order i.e. order issuing arrest warrants against said two directors of JD. Said application was dismissed vide order dated 07.02.2024. On 06.03.2024, it was notice that process (arrest warrants) were not issued by the official of Authority. His explanation has been called till next date. At the same time, arrest warrants against both of said directors of JD are ordered to be issued again, to be executable till next date, which is 22.05.2024.”

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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