

M/s Imperia Wishfield Pvt. Ltd. & anr.Vs. Ashwani Kalra  
Appeal No.427 of 2019

Present: Shri Amit Wadhwa, Advocate, ld. Counsel for the appellants.  
Respondent Ashwani Kalra in person.

Vide our order dated 07.10.2019, the application moved by the appellants/promoters for waiver of the condition of pre-deposit was dismissed and the appellants/promoters were directed to deposit whole of the amount payable to the respondent/allottee, as imposed by the learned Authority vide impugned order, on or before 29.10.2019 with this Tribunal. As per the report of the office, no amount has been deposited by the appellants/promoters.

It is settled principle of law that the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'), are mandatory. It is a condition precedent for entertainment of the appeal filed by the promoter to deposit the requisite amount. In the instant case, the appellants/promoters have not complied with the mandatory provisions of proviso to section 43(5) of the Act inspite of sufficient opportunity. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

File be consigned to records.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
30.10.2019

Inderjeet Mehta  
Member (Judicial)  
30.10.2019

Anil Kumar Gupta  
Member (Technical)  
30.10.2019