

Ansal Properties & Infrastructure Ltd. Vs. Kamal Bajaj & anr.
Appeal No.617 of 2019

Present: None.

Vide our order dated 09.10.2019 the appellant/promoter was directed to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') and to deposit the requisite amount i.e. whole of the amount payable to the respondents/allottees, as imposed by the Haryana Real Estate Regulatory Authority, Panchkula vide impugned order, with the Tribunal on or before 31.10.2019. As per the report of the office no amount has been deposited by the appellant/promoter till date.

It is settled principle of law that the provisions of proviso to section 43(5) of 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 appellant/promoter has 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
04.11.2019

Inderjeet Mehta
Member (Judicial)
04.11.2019

Anil Kumar Gupta
Member (Technical)
04.11.2019