M/s M2M Buildtech Pvt. Ltd.
Vs.
HRERA Panchkula & Jitender Singh
Appeal No.412 of 2019

Present: Shri Akshat Mittal, Advocate, ld. Counsel for the appellant.
Respondents ex-parte.

Vide our last order dated 09.10.2019, the appellant was directed to deposit Rs.2,000/- which was payable to the respondent no.2/allottee in order to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'). As per the report of the office and fairly admitted at bar by learned counsel for the appellant, the aforesaid amount has not been deposited within the stipulated period.

Learned counsel for the appellant has pleaded for extension of time.

We have duly considered the aforesaid contention.

The appellant is a builder and was required to deposit only a sum of Rs.2,000/-. It is very meagre amount. Moreover, the present appeal was put up before this Tribunal for the first time on 24.06.2019. Sufficient time has already been availed by the appellant. So, there is no justification to further extend the time.

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
05.11.2019

Inderjeet Mehta
Member (Judicial)
05.11.2019

Anil Kumar Gupta
Member (Technical)
05.11.2019