

Parsvnath Developers Ltd. & anr. Vs. Neelam Khurana and anr.  
Appeal No.642 of 2019

Present: Shri Shekhar Verma, Advocate, ld. Counsel for the appellants.  
Shri Tarun Bajaj, Advocate for Shri Himanshu Raj, Advocate, ld. Counsel for the respondents.

Vide our last order dated 30.09.2019, the appellants/promoters were directed to deposit the requisite amount to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'), on or before 23.10.2019. But as per the report of the office and the fact not disputed by the learned counsel for the appellants, no amount has been so far deposited by the appellants with this Tribunal to comply with the aforesaid provisions.

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 promoters 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  
24.10.2019

Inderjeet Mehta  
Member (Judicial)  
24.10.2019

Anil Kumar Gupta  
Member (Technical)  
24.10.2019