

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Appeal No. 250 of 2023 (O& M)**

**Date of Decision: 25.10.2024**

Spaze Towers Pvt. Ltd. Registered office at Tower C, SPAZEDGE,  
Sector 47, Gurugram - Sohana Road, Gurugram-122002,  
Haryana.

Appellant/Promoter

Versus

Rajender Kumar, resident of House No.185, BP Kherki Daula,  
Tehsil Manesar, District Gurugram.

Respondent/allottee

**CORAM:**

Justice Rajan Gupta

Chairman

Present: Mr. Yashvir Singh Balhara, Advocate,  
for the appellant.

**O R D E R:**

**Rajan Gupta, Chairman (Oral):**

Mr. Balhara submits that no pre-deposit is required to be made in proviso to Section 43(5) of the RERA Act, in view of the fact that the appellant-promoter has discharged its liability before the Executing Court. Besides, he has brought to the notice of this Bench, order dated 21.10.2024 passed by the NCLT, New Delhi Bench. As per him, Corporate Insolvency Resolution Process (CIRP) has been initiated against the appellant-company and Interim Resolution Professional (IRP) has been appointed.

2. Though, there is doubt whether the appeal can be entertained at all as the question of pre-deposit in terms of proviso to Section 43(5) of the RERA Act has not been adjudicated upon yet.

**Appeal No. 250 of 2023**

3. Mr. Balhara prays that he may be allowed to withdraw this Appeal with liberty to seek revival of the same in case there is any change in circumstances.

4. Appeal is dismissed as withdrawn with the aforesaid liberty.

5. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

25.10.2024  
Manoj Rana