

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.747 of 2023 (O&M)**

**Date of Decision: May 07,2025**

(1) Mr. Surender son of Mr. Rameshwar son of Sh. Nanak Ram @ Nanag Ram, resident of village Dhani Janauala, Pataudi, Tehsil Pataudi & District Gurugram, Haryana-122503

2. Ms. Sapna daughter of Mr. Surender son of Mr. Rameshwar wife of Rushtani, resident of House No. 83, Ward No. 3, Hailymandi, District Gurugram, Haryana-122054

Appellants.

Versus

(1) Mr. Jeewan Kumar Jindal son of Mr. Tarsem Chand Jindal, resident of House No. H-4, ITI Staff Colony, Opposite Sector 14, MG Road, Gurugram-122002

(2) Mr. Vivek Purohit C/o Prime Time Infraprojects Pvt. Ltd., 4<sup>th</sup> Floor, Vatika Atrium, Boock-B, Sector 53, Golf Course Road, Gurugram-122002, Haryana

Respondents

Present: Mr. Nitin Kant Setia, Advocate for the appellants.  
Mr. Kunal Thapa, Advocate for respondent No. 1.

**CORAM:**

**Justice Rajan Gupta**  
**Rakesh Manocha**

**Chairman**  
**Member (Technical)**  
(joined through VC)

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

**CM No. 140 of 2024 & Appeal No. 747 of 2023**

This is an application seeking exemption from making pre-deposit in terms of Section 43(5) of the Act<sup>1</sup>.

2. As per the appellants, they are not liable to make pre-deposit as they are not the promoters.

3. This plea has been refuted by learned counsel for respondent No.1 on the ground that licence was granted in the names of the appellants, namely, Mr. Surender and Sapna and

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<sup>1</sup> Real Estate (Regulation and Development) Act, 2016

they are the land-owners. They entered into collaboration with respondent No. 2. Thus, they are in the same shoes as that of the promoter and cannot escape rigours of the Act.

4. Heard learned counsel for the parties and given careful thought to the facts of the case.

5. The fact that the appellants entered into a collaboration agreement with respondent No. 2 remains uncontroverted. Department of Town and Country Planning granted licence in favour of the appellants, in furtherance whereof steps were taken to float the project. The plea that the appellants are not liable to comply with the provisions of Section 43(5) of the Act is without any merit. The appellants have posed challenge to order dated 20.11.2018, passed by Haryana Real Estate Regulatory Authority, Gurugram. For hearing of appeal, they had to deposit the amount of Rs.30,71,340/, as computed by the Registry in its report dated 06.12.2024.

6. Under these circumstances, the application is without any merit and is hereby dismissed.

7. Consequently, the appeal is also dismissed.

**CM No. 139 of 2024**

8. This apart, this is an application seeking condonation of 1796 days' delay in filing the appeal. The same is supported by affidavit of one of the appellants, namely, Surender.

9. Section 44(2) of the Act provides sixty days period for filing appeal.

10. No such reasoning is coming forth in the application which would make out the case for condonation of such huge delay. Thus, in our considered view, sufficient cause for condonation of delay is not make out. Going by the parameters laid down in ***Pathapati Subba Reddy (Died) by L.Rs. and others v. Special Deputy Collector (LA)***<sup>2</sup>, the present application deserves to be dismissed. Ordered accordingly.

11. Copy of the order be forwarded to the parties/counsel and the Authority.

12. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)  
(joined through VC)

May 07, 2025  
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<sup>2</sup> SLP (Civil) No. 31248 of 2018, decided on 08.04.2024