

M/s BPTP Ltd.  
Vs.  
Raj Ratti  
CM No. 164 of 2024  
In Appeal No. 26 of 2019

Present: Mr. Hemant Saini, Advocate, along with  
Mr. Himanshu Monga, Advocate,  
Ms. Neha, Advocate,  
for the appellant.

Mr. Nitin Kant Setia, Advocate,  
for the respondent.

This is an application moved by the appellant (M/s BPTP Ltd.) wherein prayer has been made for clarification of order dated 27.08.2019 passed by the predecessor Bench of this Tribunal. Operative part thereof reads as under:

*“11. As the appellant-promoter has not complied with the mandatory provisions of proviso to Section 43(5) of the Act as the full amount payable to the allottee has not been deposited, so the present appeal cannot be entertained and the same is hereby dismissed.*

*12. the amount, if any, deposited by the appellant/promoter with this Tribunal be transferred to the amount of the learned Real Estate Regulatory Authority, Panchkula.*

*13. File be consigned to records.”*

Mr. Saini submits that appeal (s) were not entertained due to non-compliance of proviso to Section 43(5) of the RERA Act. However, the deficit amount deposited along with appeal was directed to be returned to the Authority without specifying the manner it was to be disbursed. As a result, thereof, amount remained deposited with the Authority till it called upon the promoter to seek necessary clarification. Consequently, the present application has been filed.

At this stage, Mr. Setia submits that since the appeal was dismissed, the amount deposited along with interest be disbursed to the allottee.

In our considered view, in view of the fact that appeal(s) were not entertained by this Tribunal, whatever amount was deposited along with the appeal cannot be retained by the Authority and the same needs to be disbursed to the promoter (M/s BPTP Ltd.).

Mr. Saini, however on instructions from the appellant-company, submits that principal amount if refunded to the company would be disbursed to the respective allottee(s).

The application stands disposed of.

Photocopy of this order be placed in files of Appeal nos. 27, 28, 29, 39,40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58 & 59 of 2019.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

28.04.2025  
Rajni