

Sanyak Projects Pvt. Ltd.  
 Vs.  
 Mr. Madhur Jain and another  
 CM Nos.1116 to 1118 of 2024,  
 CM No.495 of 2025  
 In Appeal No.506 of 2024

Present: Ms. Darika Sikka, Advocate,  
 for the appellant.

**CM No.495 of 2025**

This is an application seeking restoration of the appeal, which was dismissed for want of prosecution vide order dated 01.03.2025. Same is supported by an affidavit of Mr. Reshabh Bajaj, Advocate. Order dated 01.03.2025 is reproduced herein for ready reference:

*“On 22.01.2025, the following order was passed in this case:-*

*“On the last date of hearing, the following order was passed in this case:-*

*“As per report from the Registry, pre-deposit as required by proviso to Section 43(5) of the RERA Act has not been made. Appeal, thus, deserves outright dismissal.*

*Learned counsel for the appellant prays for one opportunity to seek instructions.*

*On his request, the case is adjourned to 22.01.2025.”*

*Learned counsel for the appellant prays for some time to seek instructions and address arguments.*

*In the interests of justice, one last opportunity is granted. List on 27.02.2025.”*

*2. Case has been called out twice since morning. Even on second call, appellant remains unrepresented. Moreover, appeal cannot be entertained in the absence of compliance of proviso of Section 43(5) of the RERA Act.*

*3. In view of above, the appeal is dismissed for want of prosecution.*

*4. File be consigned to the records.”*

2. Learned counsel for the appellant submits that the appeal needs to be restored as the clerk of her office noted wrong date due to which counsel was unable to appear.

3. A query has been put to learned counsel for the appellant why instant application is not accompanied with requisite pre-deposit as envisaged by proviso to Section 43(5) of the RERA Act. She states that the appellant-promoter is unable to remit the same. Even the main appeal was filed without complying with the aforesaid proviso.

4. Needless to observe that such an appeal cannot be entertained in view of statutory provision and law laid down by the Hon’ble Supreme Court in *M/s. Newtech Promoters and Developers Pvt. Ltd., Vs. State of UP & Others etc.* 2021 SCC online SC 1044.”

5. Application (CM No.495 of 2025) is, thus, dismissed.

6. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

25.03.2025  
Manoj Rana