

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.381 of 2024

Date of Decision:09.07.2025

M/s. Sunrays Height Pvt. Ltd. through its authorized representative Sh. Lalit Kumar, Regd. Office 211, 2nd Floor, Ansal Bhavan, 16, Kasturba Gandhi Marg, New Delhi-110 001.

Appellant

Versus

Santosh Kumar Srivastava, Village & Post Office Vazirabad, Dhani Market, Sector 52, Gurugram, Haryana – 122 001.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Present: None for the appellant

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against the order dated 30.05.2024 passed by the Authority¹.

2. As per report from the Registry, in the instant appeal, pre-deposit of Rs.7,99,124/- in terms of proviso to Section 43(5) of the RERA Act² is payable by the appellant-promoter, out of which, the appellant-promoter has deposited an amount of Rs. 1,28,432/-. Same is deficit in nature. However, no steps have been taken by the appellant-promoter to make good the deficiency in pre-deposit despite several opportunities granted by this Bench.

3. In view of above, appeal cannot be entertained in the absence of pre-deposit and as per judgment passed by Hon'ble Supreme Court in *M/s. Newtech Promoters and Developers Pvt. Ltd. vs. State of UP & Others etc.*, 2021 SCC Online SC 1044.

4. Besides, appellant remains unrepresented today.

¹ Haryana Real Estate Regulatory Authority, Gurugram

² Real Estate (Regulation & Development) Act, 2016

5. Dismissed for want of prosecution.
6. The pre-deposit made by the appellant-promoter in terms of aforesaid proviso with this appeal, which is deficit in nature, need not to retain by this Tribunal. Same is hereby remitted to the Authority for disbursement to the appellant-promoter according to law. Needless to observe tax liability, if any, would apply.
7. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

09.07.2025
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