

M/s Orris Infrastructure Pvt. Ltd.  
Vs.  
Jasbir Kaur and another  
CM Nos. 125, 126 & 127 of 2024 & 505 of 2025  
In Appeal No.78 of 2024

Present: Mr. Agam Bansal, Advocate,  
for the appellant.

Vide order dated 21.01.2025, the appeal was dismissed for want of prosecution. Order is reproduced hereunder for ready reference:-

*“On 18.11.2024, the following order was passed in this case:*

- “On the last date of hearing, the following order was passed in this case:-  
“Member (Technical) has not joined as yet pursuant to Order dated 12.09.2024 issued by Government of Haryana Town & Country Planning Department. The matter is, thus, being taken up.  
Following objection has been raised by the Registry;  
i) Compliance of proviso to Section 43(5) of the RERA Act has not been made.  
Today, Mr. Singh submits that the arguing counsel, Mr. Surjit Bhadu is not available. He prays for some time to seek instructions.  
Prayer is accepted.  
List on 18.11.2024.”*

2. *As per report from the registry, pre-deposit as envisaged by proviso to Section 43(5) of the RERA Act<sup>1</sup> has not been made.*

3. *Under these circumstances, the instant appeal cannot be entertained. Besides, appellant remains unrepresented.*

4. *Dismissed for want of prosecution.*

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

An application (CM No. 505 of 2025) has been moved for restoration of the appeal.

Today, however, learned counsel for the appellant submits that application has rendered infructuous in view of the fact that matter has been settled between the parties. This

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

Bench has perused the copy of the order passed by the Adjudicating Officer in this regard. Same is reproduced hereunder for ready reference:-

*“It is submitted by learned counsel for both of parties that matter has been settled between the parties. Copy of settlement agreement is put on file. Possession is also stated to have already been handed over to DH.*

*Learned counsel for DH requests to withdraw the execution petition with liberty to apply for revival of execution petition in case, JD does not adhere to terms of payment. As matter has been settled between the parties, nothing remains in this execution petition.*

*File be consigned to the record room.*

*Rajender Kumar  
Adjudicating Officer,  
03.04.2025”*

In view of above, prayer made by learned counsel for the appellant is accepted.

Application (CM No. 505 of 2025) is dismissed as withdrawn.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

24.04.2025  
Rajni