

CM No. 7020 of 2025 in
Appeal No. 84 of 2025 and connected appeals.

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M/s Sunrays Heights Pvt. Ltd. v. Amit Kumar Anand

Present: Mr. Madhur Panwar, Advocate for the appellant.

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This is an application for restoration of the appeal, which was dismissed for non-prosecution vide order dated 03.12.2025.

2. At the out-set, learned counsel for the appellant has submitted that he has instructions to state that the appellant-promoter is not willing to make pre-deposit. On the other hand, his prayer for waiver be considered.

3. The appeal was dismissed vide order dated 03.12.2025. Same reads as under:

“As per report from the Registry, there is deficit in pre-deposit. In view of same, appeal cannot be entertained and deserves outright dismissal.

2. Besides, case has been called out twice since morning. None has put in appearance on behalf of the appellant. Court has waited long enough.

3. Under these circumstances, this Court has no option but to dismiss the appeal for non-prosecution.

4. Ordered accordingly.

5. Appellant shall be at liberty to move an application for withdrawal of part pre-deposit submitted at the time of filing of the appeal.

6. File be consigned to the records.”

4. In the eventuality, pre-deposit is not made, the appeal cannot be entertained and warrants dismissal in view of provisions of Section 43(5) of the Act and judgment in **M/s Newtech Promoters**

and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil)

367. Report of the Registry is also on the same lines.

5. There is thus, no ground for restoration of the appeal. The same could have been considered had the promoter been willing to make pre-deposit.

6. The application is dismissed.

7. Photocopy of this order be placed in the files of Appeal Nos. 85, 91 to 96, 98 to 101 of 2025.

Justice Rajan Gupta

Chairman

Haryana Real Estate Appellate Tribunal

January 08, 2026.