

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Date of Decision: January 19, 2026**

**(1) CM No. 1286 of 2025 In/and  
Appeal No. 387 of 2023**

1. BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next Door, Park Lands, Sector 76, Faridabad, Haryana 121004
2. Countrywide Promoters Pvt. Ltd. having registered office at M-11, Middle Circle, Connaught Place, New Delhi 110001

Appellants

Versus

1. Reeta Ahuja;
2. Ravindra Ahuja both residents of A-23, LGF, South Extension II, New Delhi

Respondents

**(2) CM No.3021 of 2025 In/and  
Appeal No. 224 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

Educational Media Centre having its registered office at P-19, Green Park Extension, Delhi 110016

Respondent

**(3) CM No.3022 of 2025 In/and  
Appeal No.369 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next

CM No. 1286 of 2025 in/and  
Appeal No. 387 of 2023 and connected appeals.

Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

Nitin Chhaparia resident of 593, Nae Bazar Vadarna,  
Allahabad Bank, Khanda Deoria, Deoria, Uttar Pradesh 274001

Respondent

**(4) CM No.31 of 2026 In/and**

**Appeal No.351 of 2025**

Anjali Promoters and Developers Pvt. Ltd. having its Registered  
Office at OT-14, 3<sup>rd</sup> Floor, Next Door, Park Lands, Sector 76,  
Faridabad Haryana-121004

Appellant

Versus

1. Ajay Mehra;

2. Anju Mehra both residents of K-37-A, 2<sup>nd</sup> Floor, Kailash  
Colony, New Delhi 110048

Respondents

**(5) CM No.30 of 2026 In/and**

**Appeal No.368 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next  
Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

Reeta Aggarwal resident of Mansarover, Vishnu Garden, Tonk  
Road, Jaipur, Rajasthan 301011

Respondent

**(6) CM No.1284 of 2025 In/and**

**Appeal No.359 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next

CM No. 1286 of 2025 in/and  
Appeal No. 387 of 2023 and connected appeals.

Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

Mridhul Hari Aggarwal resident of Mansarover, Vishnu Garden,  
Tonk Road, Jaipur, Rajasthan 301011

Respondent

**(7) CM No.1279 of 2025 In/and**

**Appeal No.205 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next  
Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

Suman Tripathi Sood resident of 165 A-4, Konark Apartment,  
Kalkaji Extension, New Delhi 110019

Respondent

**(8) CM No.1280 of 2025 In/and**

**Appeal No.193 of 2025**

BPTP Ltd. having its Registered Office at OT-14, 3<sup>rd</sup> Floor, Next  
Door, Park Lands, Sector 76, Faridabad Haryana-121004

Appellant

Versus

1. Pradeep Loyal;
2. Reena Loyal both residents of D1/42, Vasant Vihar, New  
Delhi 110057

Respondents

**CORAM:**

**Justice Rajan Gupta**  
**Dr. Virender Parshad**

**Chairman**  
**Member (Judicial)**

Present : Mr. Hemant Saini, Advocate and  
Mr. Himanshu Monga, Advocate  
for the appellant(s)

**ORDER:**

**RAJAN GUPTA, CHAIRMAN:**

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 387 of 2023.

2. In the present appeal, challenge has been made to order dated 25.4.2023, passed by Adjudicating Officer of the Authority<sup>1</sup>, operative part whereof reads as under:

*“Let the matter be referred to Account’s Officer of the authority to calculate the amount of, in the light of this order. Parties to appear before the accounts officer on 06.07.2023.*

*2. To come up on 06.07.2023, for consideration on request of DH to commit direction of JD to civil prison and also for consideration on report of account’s officer.”*

3. Aggrieved from the aforesaid order, appellant-promoter has filed the instant appeal.

4. Before the appeal could be entertained on merits, certain queries regarding pre-deposit were made to the counsel for the appellant-promoter as no pre-deposit was made at the time of filing of appeal.

5. On 04.12.2024, report was sought from the Registry whether the promoter is liable to make pre-deposit.

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<sup>1</sup> Haryana Real Estate Regulatory Authority, Gurugram

6. As per report from the registry, the appellant-promoter is required to deposit Rs.20,16,437/-. Registry calculated the said amount based on the directions given by the Authority in order dated 10.08.2021, wherein appellant-promoter was directed to pay interest at the prescribed rate of 9.30% per annum for every month of delay from the due date of possession i.e. 23.08.2015 till the date of offer of possession i.e. 10.10.2019 plus two months i.e. 10.12.2019 to the respondent-allottees.

7. The appellant-promoter has filed the application (CM No. 1286 of 2025) giving explanation for calculations under Section 43(5) of the Act<sup>2</sup> pleading that no amount is required to be made along with appeal despite the mandate of proviso to Section 43(5) of the Act.

8. Counsel for the promoter contended that in the calculation sheet submitted by the Accounts Officer of the Authority, it is stated that an amount of Rs.41,26,136/- with interest is recoverable from the allottees. The question of making pre-deposit while challenging such an order would not arise. In support of this argument, he has referred to observations made in para No.127 of the judgment of Supreme Court in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil) 367.**

9. We have heard learned counsel for the appellant.

10. The promoter is posing a challenge to the order, whereby the matter was referred to Accounts Officer of the Authority to calculate the amount payable by JD and for

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2. The Real Estate (Regulation and Development) Act, 2016

considering the allottee's request to commit Director of the JD (appellant) to civil prison.

It needs to be kept in mind that delay possession charges would be payable as order of the Authority remained operative. Pre-deposit has been calculated by the Registry accordingly. It is settled position that the party who is aggrieved by the order has to make the pre-deposit. In the instant case, the promoter has preferred the appeal. Thus, the mandatory provision of pre-deposit has to be complied with. Reliance placed by learned counsel for the appellant on the calculation sheet submitted by the Accounts Officer before the Authority below is mis-conceived. Same is of no significance while considering validity of the order passed by the Adjudicating Officer.

11. In case, pre-deposit is made in terms of Section 43(5) of the Act, same would only be kept in fixed-deposit till decision of the appeal. There is, thus, no convincing reason forthcoming for insistence of the appellant-promoter not to make pre-deposit. Needless to observe that pre-deposit would be disbursed as per entitlement of the parties, subject to final decision of the appeal. Thus, explanation given for reducing the pre-deposit as per calculation made by the appellant cannot be accepted as same would depend upon final adjudication of the issues raised in the appeal.

12. An appeal, which is not accompanied with pre-deposit deserves outright dismissal. Challenge on the ground that the order is unsustainable can only be considered if the appeal is found to be maintainable.

13. In view of law laid down in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP (supra)**, it is not possible to entertain an appeal which is not accompanied by requisite pre-deposit. There is no provision for waiver or exemption of pre-deposit. Relevant paragraphs of the judgment are reproduced hereunder for ready reference:

*“122. It may straightaway be noticed that Section 43(5) of the Act envisages the filing of an appeal before the appellate tribunal against the order of an authority or the adjudicating officer by any person aggrieved and where the promoter intends to appeal against an order of authority or adjudicating officer against imposition of penalty, the promoter has to deposit at least 30 per cent of the penalty amount or such higher amount as may be directed by the appellate tribunal. Where the appeal is against any other order which involves the return of the amount to the allottee, the promoter is under obligation to deposit with the appellate tribunal the total amount to be paid to the allottee, which includes interest and compensation imposed on him, or with both, as the case may be, before the appeal is to be instituted.”*

*123. The plea advanced by the learned counsel for the appellants is that substantive right of appeal against an order of authority/adjudicating officer cannot remain dependent on fulfilment of pre-deposit which is otherwise onerous on the builders alone and only the builders/promoters who are in appeal are required to make the pre-deposit to get the appeal entertained by the Appellate Tribunal is discriminatory amongst the stakeholders as defined under the provisions of the Act.*

*xxxx xxxx*

*125. The submission in the first blush appears to be attractive but is not sustainable in law for the reason*

*that a perusal of scheme of the Act makes it clear that the limited rights and duties are provided on the shoulders of the allottees under Section 19 of the Act at a given time, several onerous duties and obligations have been imposed on the promoters i.e. registration, duties of promoters, obligations of promoters, adherence to sanctioned plans, insurance of real estate, payment of penalty, interest and compensation, etc. under Chapters III and VIII of the Act 2016. This classification between consumers and promoters is based upon the intelligible differentia between the rights, duties and obligations cast upon the allottees/home buyers and the promoters and is in furtherance of the object and purpose of the Act to protect the interest of the consumers vis-a-viz., the promoters in the real estate sector. The promoters and allottees are distinctly identifiable, separate class of persons having been differently and separately dealt with under the various provisions of the Act.”*

14. In view of the above, it is evident that there is no scope for hearing the appeals on merits, as the same are not maintainable due to lack of pre-deposit. The same are hereby dismissed with no order as to costs.

15. Consequently, the accompanying applications are also dismissed.

16. Copy of this order be communicated to the parties/their counsel and the Authority.

17. Files be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dr.Virender Parshad  
Member (Judicial)

January 19, 2026/mk