

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**CM No. 4035 of 2025 in/and**

**Appeal No. 1265 of 2025**

**Date of Decision: February 04,2026**

M/s S3 Buildwell LLP, 5B, Block I, Sector 10, Faridabad,  
Haryana

Appellant.

Versus

Real Estate Regulatory Authority, Panchkula, Mini Secretariat,  
New Office Block,2<sup>nd</sup> & 3<sup>rd</sup> Floor, Sector 1, Panchkula, India

Respondent

**CORAM:**

**Justice Rajan Gupta  
Dinesh Singh Chauhan**

**Chairman  
Member (Technical)**

Present : Mr. Siddharth Sihag, Advocate for the appellant.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

In the instant appeal, challenge has been made to order dated 23.04.2025, passed by the Authority<sup>1</sup>, whereby penalty of Rs.91,18,000/- along with cost of Rs.1,00,000/- has been imposed on the appellant-promoter for not uploading QPRs (Quarterly Progress Reports) in time. Operative part of the order reads as under:

*“3. The office informed that the QPRs have been filed upto 31<sup>st</sup> Dec. 2019 on 12.04.2025 as Completion Certificate of the project has been received on 30.12.2019. Cumulative penalty till 11.04.2025 works out to Rs.91,18,000/-.*

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

*4. The promoter is directed to deposit penalty of Rs.91,18,000/- along with cost of Rs. 1 lac at least one week before the next date of hearing failing which execution proceedings shall be initiated.*

*The office is directed to send a copy of this order to the promoter via registered post and e-mail.*

**5. Adjourned to 29.10.2025**

2. The appeal is accompanied with an application seeking waiver of the pre-deposit required to be made along with appeal in view of proviso to Section 43(5) of the Act<sup>2</sup>.

3. Counsel for the appellant-promoter argued that Occupation Certificate was granted to it well in time and there was no much delay in execution of the project, thus, penalty was wrongly imposed on it.

4. As per report from the Registry, the appellant-promoter is required to deposit Rs.27,35,400/-.

5. We have heard learned counsel for the appellant.

6. The promoter is posing a challenge to the order, whereby it has been directed to pay penalty for not uploading the QPRs well in time. Pre-deposit has been calculated by the Registry accordingly.

7. The plea of the appellant-promoter can be considered after it complies with mandatory provision of pre-deposit in terms of proviso to Section 43(5) of the Act. In cases, where penalty is imposed, appellant-promoter is required to deposit at least 30% of the amount in terms of the statutory provision. In the absence of such compliance, its plea on merits

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<sup>2</sup> The Real Estate (Regulation and Development) Act, 2016

cannot be considered. This proposition has been upheld by Hon'ble Supreme Court in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil) 367.**

Paragraph 122 thereof is 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.”*

8. In view of the above, the application for waiver from making pre-deposit is mis-conceived and deserves outright dismissal. Ordered accordingly.

9. Consequently, the appeal also does not survive and meets the same fate.

10. However, in case the appellant-promoter removes the objection raised by the Registry and makes requisite pre-deposit within six weeks from today, it shall be at liberty to seek revival of the appeal.

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11. Copy of this order be communicated to the appellant-promoter/its counsel and the Authority.

12. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

February 04,2026  
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