Emaar MGF Land Ltd.
Vs.
Ravi Kanta Punchhi and Anr.
CM Nos.1638 & 809 of 2025 and 5047 of 2026
In Appeal No.35 of 2019

Present: Mr. Kunal Dawar, Senior Advocate assisted by
Ms. Ankita Chaudhary, Advocate,
for the appellant/applicant.

None for the respondents/non-applicants.

CM No.809 of 2025:

This is an application for releasing of the amount of pre-deposit made by the appellant at the time of filing of the appeal in terms of proviso to Section 43(5) of the Act[1]. As per Mr. Dawar, learned Senior Counsel, at the time of disposal of the appeal, it was not made clear by the 'Predecessor Bench' of this Tribunal as to whom the amount of pre-deposit is to be remitted.

2. We issued notice of this application to the allottees and also made an effort to effect service on them through the aegis of the Authority. An order in this respect has been passed on 27.07.2026. Same reads as under:

> *"This is an application for disbursement of pre-deposit made by the appellant-promoter along with this appeal.*
>
> *As per counsel, the 'Predecessor Bench', while disposing of the appeal, did not make it clear as to whom the pre-deposit had to be disbursed.*
>
> *In view of above, notice of this application be issued to the non-applicants/respondents for 12.10.2026.*
>
> *An effort be made to serve the notice on the respondent/non-applicant through the aegis of Authority at Gurugram.*
>
> *Copy of this order be sent to the Secretary, HRERA, Gurugram."*

3. Today, report has been received from the Authority that the aforesaid order has been complied with. Despite this, none is present on behalf of the respondents.

[1] Real Estate (Regulation and Development) Act, 2016

4. However, the order passed did not reflect remittance of Rs.9,00,000/- Due to this anomaly, the matter remained pending. The appellant also took no initiative to bring these facts to the notice of this Bench. Under these circumstances, this Bench has no option but to remit the amount to the Authority to be disbursed to the appellant. Keeping in view the peculiar facts and circumstances of the case that in the first instance, the appellant did not make the complete pre-deposit and sought several adjournments, the case was disposed of on 05.07.2022. It waited for so many years for moving this application. In view thereof, the appellant is liable to pay Rs.30,000/- as costs of the proceedings to be remitted to the **Poor Patients' Welfare Fund, PGIMER, Chandigarh.** Receipt thereof be produced within two weeks from the uploading of this order.

5. The concerned official is directed to release the pre-deposit after verification of the receipt of above costs.

6. Copy of this order be sent to the parties, their counsel and the Authority below.

7. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

13.10.2026
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