

M/s Almond Infrabuild Pvt. Ltd.
Vs.
Arun Singla
Appeal No.72 of 2020

Present: Ms. Manreet Dhindsa, Advocate for Shri Harsh Bunger, Advocate, Ld. Counsel for the appellant.

Previous cost not deposited.

2. As per the report of the office, the appellant/promoter has not deposited any amount to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') in view of the order dated 26.02.2020 passed by this Tribunal. Rather learned counsel for the appellant has requested that the appellant may be granted 10 days time to deposit the requisite amount.

3. We have duly considered this plea raised by learned counsel for the appellant.

4. The present appeal was received in the office of this Tribunal on 10.02.2020 and the same was put up for the first time before this Tribunal on 26.02.2020. On that date the application moved by the appellant for waiver of the condition of pre-deposit was dismissed and the appellant was given sufficient time i.e. up to 16.03.2020 to deposit the requisite amount. But even then, the appellant has not deposited the requisite amount. So, sufficient time to deposit the requisite amount has already been granted to the appellant. There is no justification to extend the time for deposit of the requisite amount to comply with the mandatory requirement of proviso to Section 43(5) of the Act.

5. It is settled principle of law that the provisions of proviso to section 43(5) of the Act are mandatory. It is a condition precedent for entertainment of the appeal filed by the promoter to deposit the

requisite amount. In the instant case, the appellant/promoter has not complied with the mandatory provisions of proviso to section 43(5) of the Act inspite of sufficient opportunity. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

6. File be consigned to records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
17.03.2020

Inderjeet Mehta
Member (Judicial)
17.03.2020

Anil Kumar Gupta
Member (Technical)
17.03.2020