

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

CM No.8013 of 2026

In Appeal No.94 of 2026

Date of Decision: 01.09.2026

Chirag Buildtec Pvt. Ltd. having registered office at M-18, Third Floor, Greater Kailash-II, South Delhi New Delhi 110048

Appellant

Versus

Satakshi Garg resident of #643, 2nd Street Chandra Bhawan, Rajendra Nagar, Lucknow, Uttar Pradesh-226004

Respondent

Present: Mr. Anjan Preet Singh, Advocate
for the appellant.

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

O R D E R:

RAJAN GUPTA, CHAIRMAN (Oral):

In the accompanying appeal, challenge has been made to order dated 12.07.2024, passed by the Authority¹.

2. As per report from the Registry, the appellant-promoter was required to make pre-deposit Rs.10,36,449/-, out of which it deposited Rs.6,04,056/-. Thus, there is deficit of Rs.4,32,393/- in pre-deposit.

¹ Haryana Real Estate Regulatory Authority, Gurugram

3. Counsel for the appellant-promoter contended that the Registry calculated the amount of pre-deposit without considering the outstanding amount to be paid by the allottee. He further contended that an amount of Rs.04,74,490/- is still pending towards the respondent-allottee.

4. An appeal, which is not accompanied with complete 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.

5. In view of law laid down in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil) 367**, 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, if any, 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.”

6. In view of above, application is hereby dismissed as deficit in the pre-deposit has not been made good. Consequently, the appeal would not survive and would meet the same fate. However, the appellant would be at liberty to seek revival of the appeal in case it makes good the deficit in the pre-deposit within one month from today. Alternatively, the appellant shall be at liberty to move an application for withdrawal of the amount already deposited in lieu of the 'actual pre-deposit'.

7. Copy of this order be sent to the parties/their counsel and the Authority.

8. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan,
Member (Technical)

01.09.2026
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