

Landmark Apartments Pvt. Ltd.
Vs.
Rajeev Kumar Gupta and anr.
Appeal No.87 of 2020

Present: Shri Shobit Phutela, Advocate, Ld. Counsel for the appellant.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Vide our last order dated 17.07.2020, the application filed by the appellant/promoter for waiver of the condition of pre-deposit was dismissed with costs of Rs.5,000/- and the appellant/promoter was directed to deposit the requisite 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'), on or before 09.08.2020.

2. The appellant has deposited the costs of Rs.5,000/- with the Haryana State Legal Services Authority, Panchkula, but as per the report of the office no amount has been so far deposited by the appellant with this Tribunal to comply with the aforesaid provisions.

3. 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 in spite of sufficient opportunity. Consequently, the present appeal cannot be entertained and the same is hereby dismissed.

4. File be consigned to records.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

August 10th, 2020
CL