

**ParsvnathDevelopers Ltd.**  
**Vs.**  
**Balraj Singh Sihag**  
**Appeal No.284 of 2021**

Present: Ms. RupaliShekharVerma, Advocate, Id. Counsel for the appellant.  
[The aforesaid presence is being recorded through video conferencing]

The appellant has not deposited the requisite amount with this Tribunal to comply with the mandatory provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'). The application moved by the appellant for waiver of the condition of pre-deposit was dismissed by this Tribunal vide order dated 12.07.2021 and the appellant was given time to deposit the requisite amount on or before 12.08.2021 and the case was listed for 13.08.2021 to see the compliance of the aforesaid order. On that day, learned counsel for the appellant had sought some more time for compliance of the aforesaid order and the case was adjourned for today. But as per the report of the office and the fact not disputed by learned counsel for the appellant, no amount has been so far deposited by the appellant with this Tribunal to comply with the aforesaid provisions.

2. Learned counsel for the appellant has again requested a date to comply with the provisions of proviso to Section 43(5) of the Act, but the appellant has already been granted sufficient opportunities for this purpose. So, the request for further adjournment made by learned counsel for the appellant is hereby declined.

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

4. File be consigned to record.

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

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

September 13, 2021

*CL*