

**Sana Realtors Pvt. Ltd.**

**Vs.**

**Kamal Kumar Luthra**

**Appeal No.240 of 2021**

Present: Shri Manu K. Bhandari, Advocate, ld. Counsel for the appellant.

[Through V.C.]

Vide our last order dated 23.11.2021, 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 14.12.2021. But as per the report of the office and the fact not disputed by the learned counsel for the appellant, no amount has been so far deposited by the appellant with this Tribunal to comply with the aforesaid provisions. Even the costs to the tune of Rs.50,000/- which was imposed upon the appellant vide order dated order dated 23.11.2021, has not been deposited.

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.

File be consigned to records.

Inderjeet Mehta  
Member (Judicial)  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
15.12.2021

Anil Kumar Gupta

Member (Technical)  
15.12.2021