

M/s Ramprastha Promoters & Developers Pvt. Ltd.

Vs.

Dheeraj Mehta

Appeal No.69 of 2019

Present: Shri Tarun Arora, authorised representative of the appellant. (Through telephone).  
Ms. Kannupriya, Advocate, on behalf of Shri Anurag Jain, Advocate, ld. counsel for the respondent.

As per report of the office, the appellant-promoter has not deposited any amount to comply with the provisions of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') as directed by the Hon'ble High Court in RERA APPL-17-2019 (O&M), vide order dated 25.03.2022. The appellant-promoter was given 30 days time to make the mandatory pre-deposit to enable this Tribunal to hear the appeal. The period of 30 days has already expired on 24.04.2022, but no amount has been deposited by the appellant-promoter. This fact has been very fairly conceded at bar by learned authorised representative of the appellant.

2. It is settled principle of law that the mandatory pre-deposit is a condition precedent to hear the appeal on merits by this Tribunal against the order passed by the learned Authority. The appellant-promoter has not deposited any amount with this Tribunal, rather, the appellant-promoter had moved an application for waiver of the condition of pre-deposit. The said application was dismissed vide our order dated 29.07.2019. While dismissing the application, this Tribunal had directed the appellant to comply with the provisions of Section 43(5) of the Act on or before 26.08.2019. But, in the meanwhile the appellant preferred RERA APPL-17-2019 (O&M) before the Hon'ble High Court. The said appeal filed by the

## Appeal No.69 of 2019

appellant has been dismissed by the Hon'ble High Court vide order dated 25.03.2022. The appellant was given 30 days time to make the mandatory pre-deposit to enable this Tribunal to hear this appeal. Said period of 30 days has already expired on 24.04.2022, but the appellant has not complied with the provisions of Section 43(5) of the Act. So, the present appeal cannot be entertained and the same is hereby dismissed.

3. Copy of this order be communicated to the parties/learned counsel for the parties and the learned Authority.

4. File be consigned to the record.

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

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

April 25, 2022

*CL*