

M/s Assotech Moonshine Urban Developers Pvt. Ltd.

Vs.

Rahul Rai Gupta

Appeal No.85 of 2021

Present: Sh. Akshat Mittal, Advocate, Ld. counsel for the appellant.
Sh. Rajender Yadav, Advocate, for Sh. Anand Dabas,
Advocate, Ld. counsel for the respondent.

On the last date of hearing, the application, moved by the appellant for waiver of the condition of pre-deposit, was dismissed and the appellant was granted time to deposit the requisite amount with this Tribunal on or before 18.05.2022.

As per report of the office, the appellant has not deposited any amount with this Tribunal to comply with the mandatory provisions of the proviso to Section 43(5) of the Real Estate (Regulation & Development) Act, 2016 (for short the Act).

It is settled proposition of law that pre-deposit of the amount, as adjudged by the Ld. Authority, is a condition precedent to entertain the appeal filed by the promoter. In the instant case, in spite of giving adequate opportunity, the appellant/promoter has not deposited any amount to comply with the mandatory provisions of Section 43(5) of the Act. So, the present appeal cannot be entertained and the same is hereby dismissed.

Copy of this order be conveyed to parties/Ld. counsel for the parties and Ld. Authority.

File be consigned to the record.

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

Inderjeet Mehta
Member (Judicial)

19.05.2022

GVT