



Proceedings are pending against it and the Directors of the appellant-company are also involved in criminal cases. It is not possible for the appellant-company to make the requisite pre-deposit. Thus, condition of pre-deposit be waived.

4. As per proviso to Section 43(5) of the RERA Act<sup>3</sup> where the promoter files an appeal with the Appellate Tribunal, it would not be entertained without the promoter having deposited the total amount to be paid to the allottee including interest and compensation imposed upon it. The mandate of the provision has been upheld in the judgment reported as *M/s Newtech Promoters and Developers Pvt. Ltd. Vs. State of U.P, 2022(1) RCR (Civil) 367* (see para 122).

5. In view of above, the present appeal cannot be entertained, therefore, CM No.1380 of 2024 for waiver from making pre-deposit is dismissed. Consequently, the appeal does not survive and would meet the same fate.

6. No order needs to be passed in CM No.1377 of 2024 seeking condonation of delay as the appeal has been dismissed for lack of pre-deposit in light of aforesaid proviso.

7. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

28.11.2024  
Manoj Rana

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<sup>3</sup> Real Estate (Regulation and Development) Act, 2016