

M/s Gupta Property Developers Pvt. Ltd.

Vs.

Sandeep Kumar and another

Appeal No.3 HP of 2021

Present: Shri Akshat Mittal, Advocate,
Ld. counsel for the appellant.

The present appeal was adjourned for awaiting the orders of the Hon'ble High Court of Himachal Pradesh in CWP No.1863 of 2021.

We have received the copy of the order dated 18.04.2022 passed by the Hon'ble High Court of Himachal Pradesh in CWP No.1863 of 2021 along with CWP No.1864 of 2021, whereby the aforesaid Civil Writ Petitions filed by the appellant have been dismissed being not maintainable with liberty to the appellant to avail the remedy of the appeal under Section 43(5) of the Real Estate (Regulation & Development) Act, 2016 (in short the Act) by complying with the requirement of pre-deposit within a period of 15 days from the date of the order. So, the appellant was required to deposit the amount of pre-deposit to comply with the mandatory provisions of Section 43(5) of the Act by 03.05.2022.

As per report of the office, the appellant has not deposited any amount with this Tribunal to comply with the provisions of Section 43(5) of the Act.

The Hon'ble High Court of Himachal Pradesh has specifically granted 15 days' time to the appellant to comply with the provisions of Section 43(5) of the Act. But, the appellant has not deposited even a single penny with this Tribunal so far, which is the non-compliance of the directions of the Hon'ble High Court of Himachal Pradesh as well as 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 the parties/Ld.
counsel for the appellant.

File be consigned to the records.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

13.05.2022
GVT