

Dhoot Infrastructure Projects Ltd.
Vs.
Anuj Mehra and others
CM No. 1062 to 1064 & 1263, 1264 of 2024
In Appeal No.552 of 2024

Present: Mr. Kunal Dawar, Advocate along with
Mr. Mayank Aggarwal, Advocate,
for the appellant.

Ms. Sapna Randhawa, Advocate,
for the respondents.

Report has been received from the Registry pursuant
to order dated 14.11.2024. Same reads as under:-

*"The aforesaid appeals were listed on 14.11.2024. The
relevant portion of the order is as under:-*

*"Registry to examine and report whether in the appeals
filed by the appellant against the order of Adjudicating
Officer, pre-deposit is mandatory.*

List on 18.11.2024.

*Photocopy of this order be placed in files of Appeal Nos.
553 & 556 of 2024."*

*In this regard, it is submitted that present appeal has been
filed against the order dated 02.05.2024 passed by Adjudicating
Officer whereby show cause notice has been issued to the directors
of appellant-promoter as to why they be not committed to civil prison
for not handing over possession of unit despite order under
execution. Earlier the appellant preferred appeal before this Tribunal
against order dated 14.10.2022 passed by Authority, whereby it
was held by the authority that respondents are entitled for delayed
possession charges at the rate of 10% p.a for every month of delay
on the amount paid by them to the appellants from the due date of
possession i.e 04.01.2007 till the offer of possession after obtaining
OC plus two months or date of actual handing over of possession. In
the present appeals, OCs were not obtained and possession was
also not offered. The appeals filed against the order of Authority
were dismissed as pre-deposit as envisaged by proviso to Section
43(5) of RERA Act was not made.*

*Present order dated 02.05.2024 is a consequential order of
earlier order passed by authority dated 14.10.2022. The said order
has now merged in order dated 02.05.2024, whereby show cause
notice has been issued to the directors as to why they be not sent to
civil prison.*

Therefore, in my opinion, pre-deposit in terms of proviso to Section 43(5) of RERA Act is mandatory in these appeals.

*(Raj Kumar Sharma)”
OSD(J)”*

Mr. Dawar submits that necessary pre-deposit shall be made in the Registry today itself.

List on 19.11.2024.

Photocopy of this order be placed in files of Appeals No.553 and 556 of 2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

18.11.2024
Rajni