

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

126/4

CWP-21592-2022

Date of Decision: 27.09.2022

Ashiana Dwellings Private Limited

....Petitioner

Versus

Praval Agarwal and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. R.S.Rai, Senior Advocate with
Mr. T.S.Khaira, Advocate and
Ms. Rubina Virmani, Advocate
for the petitioner.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur, Advocate and
Mr. Jugam Arora, Advocate
for respondent No.3 – HREAT.

Harinder Singh Sidhu, J.

The petitioner has assailed the order dated 31.08.2022 (Annexure P/1) passed by the Haryana Real Estate Appellate Tribunal, Chandigarh, whereby the application of the petitioner seeking waiver of the condition of pre-deposit as required by Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, has been dismissed with costs of Rs.50,000/-. It has also been prayed that the Haryana Real Estate Appellate Tribunal, Chandigarh, be directed to entertain the appeal of the petitioner against the order dated 11.10.2021 (Annexure P/2), passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram, without insisting on the condition of pre-deposit.

At the time of hearing, Mr. R.S.Rai, learned senior counsel for the petitioner has limited his prayer to the costs imposed by the Tribunal while dismissing the application of the petitioner.

Notice of motion.

Mr. Ankur Mittal, Advocate, with Ms. Kushaldeep Kaur, Advocate and Mr. Jugam Arora, Advocate accepts notice on behalf of respondent No.3 – HREAT.

Having regard to facts and circumstances of the case, order of the Tribunal directing the payment of Rs.50,000/- as costs is set aside.

The case is now listed before the Tribunal on 30.09.2022. The petitioner shall deposit the pre-deposit amount as envisaged under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, with the Tribunal, within six weeks. Thereafter, the Tribunal may proceed to entertain and decide the appeal in accordance with law.

The petition is disposed of.

(HARINDER SINGH SIDHU)
JUDGE

27.09.2022
Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No