

Ramprastha Promoters and Developers Pvt. Ltd.

.....Petitioner

Vs.

Union of India and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH  
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Ashish Chopra, Sr. Advocate with  
Ms. Sugandha, Advocate,  
for the petitioner.

Mr. Shobit Phutela, Advocate,  
for respondent no.1-UOI.

Mr. Ankur Mittal, Advocate with  
Ms. Kushaldeep Kaur, Ms.Vasundhara Asija, Advocates,  
for respondents no.3 and 4 (RERA)

Mr. Gurmandeep Singh Sullar, Advocate,  
for respondents no.5 and 6.

**AMOL RATTAN SINGH, J. (Oral)**

By this petition, the petitioner seeks issuance of a writ in the nature of *certiorari* quashing the order dated April 30, 2019 (Annexure P-10), passed by respondent no.4-RERA, in Complaint No.2061/2018.

It also seeks quashing of an order dated November 8, 2019 (Annexure P-15), passed by respondent no.3 (the Haryana Real Estate Appellate Tribunal), in Appeal no.674/2019.

It further seeks a direction to respondent no.3 to entertain its appeal against the order dated April 30, 2019, without requiring the petitioner to first deposit with the Appellate Tribunal the amount to be paid to the

allottee.

The petitioner also seeks a direction to the Real Estate Regulatory Authority not to proceed with Execution Proceedings bearing no. E/177/2061/2018.

Notice of motion having been issued at an earlier stage, thereafter CM-5788-CWP-2022 has been filed by respondents no.5 and 6, seeking that the petition be disposed of in terms of the judgment of this court passed in another petition filed by the petitioner itself, i.e. **Ramprastha Promoters and Developers Pvt. Ltd. vs. Union of India and others**, (CWP no.6688-2021, decided on 13.01.2022), with notice having been issued in that application on 22.04.2022.

Today Mr. Chopra, learned senior counsel appearing for the petitioner, very fairly does not dispute the aforesaid fact but submits that as regards the second prayer made in the petition, that is for setting aside the order of the Haryana Real Estate Appellate Tribunal, dated 08.11.2019 (Annexure P-15), and the petitioner seeks the same indulgence as was granted to it in the aforesaid CWP no.6688-2021, i.e. the said order be set aside and the petitioner be allowed to approach the Tribunal again after duly depositing the amount required to be deposited as a pre-condition to its appeal being heard.

Learned counsel for the respondents also very fairly do not oppose the said prayer which is found to be reasonable by this court too, in view of the fact that the said order passed by the Tribunal was so passed only on account of the fact that the requisite amount was not deposited as a pre-condition to hearing the appeal due to which it had been dismissed.

Consequently, as regards the first prayer made in the petition, it is dismissed; with liberty however to the petitioner to approach the Tribunal within a period of 6 weeks from today and upon making the pre-deposit necessary as per Section 43(5) of the the Real Estate (Regulation and Development) Act, 2016, the appeal would be heard on merits by the hon. Tribunal.

**(AMOL RATTAN SINGH)**  
**JUDGE**

**May 17, 2022**

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**(LALIT BATRA)**  
**JUDGE**

Whether reasoned/speaking : Yes/No  
Whether reportable : Yes/No