



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

RERA-APPL-9-2025

Date of decision : 10.09.2025

M/s IREO Grace Realtech Pvt. Ltd.

... Appellant

Versus

Rajiv Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Samarth Sagar, Advocate and
Mr.Randeep S. Khaira, Advocate
for the appellant.

Mr.Prabhakar Tiwari, Advocate (through V.C.) and
Ms.Vardhani Gupta, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present appeal is to the order dated 29.01.2025, vide which the appeal no.178 of 2024 filed by the appellant before the Haryana Real Estate Appellate Tribunal, has been dismissed on account of non-deposit of mandatory pre-deposit as required under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. On 01.09.2025, this Court was pleased to pass the following order:-

*“Present:- Mr. Samarth Sagar, Advocate, and
Mr. Randeep S. Khaira, Advocate, for the
appellant.*

2025:PHHC:123927



As per report of the Registry, notice issued to the sole respondent has not been received back.

Learned counsel for the appellant has submitted that the appeal of the present appellant has been dismissed on the ground of non-deposit of the amount under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 and although it is the case of the appellant that the appellant is not required to deposit the said amount but for the expeditious disposal of the case, he has got instructions to make the pre-deposit and regarding the same, the appellant has already prepared a demand draft dated 19.08.2025 for an amount of Rs.33,264,674.00/- in the name of the Haryana Real Estate Appellate Tribunal and would have no objection in case the amount is deposited before the Tribunal and has prayed that the impugned order be set aside and the appeal be heard on merits.

Let fresh notice be issued to the respondent for 05.09.2025.

Liberty is granted to the appellant to serve the respondent through dasti process as well as through the counsel appearing before the executing Court.

To be taken up in the urgent list.

September 01, 2025”

3. Learned counsel for the respondent has submitted that in case the appellant deposits the said demand draft dated 19.08.2025 for the amount as stated in the abovesaid order, within a period of one week from today, then, the impugned order dated 29.01.2025 be set aside but it be clarified that passing of the present order would not be taken as an expression on the merits of the case and both the parties be permitted to

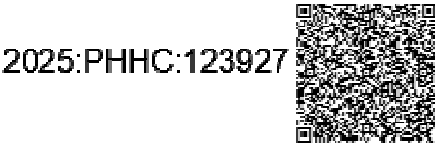


raise all pleas as are available to them before the Haryana Real Estate Appellate Tribunal, in accordance with law.

4. Learned counsel for the appellant has stated that he would deposit the demand draft dated 19.08.2025 before the Haryana Real Estate Appellate Tribunal for the amount stated in the abovesaid order within the aforesaid period of one week and has prayed that the impugned order dated 29.01.2025 be set aside and the appeal no.178 of 2024 be restored to its original number and the appeal as well as all the applications filed be decided on merits.

5. Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the appellant as well as learned counsel for the respondent, the present appeal is disposed of and the impugned order dated 29.01.2025 is set aside with the following observations/ directions :-

- i) The appellant would deposit the demand draft dated 19.08.2025 for an amount of Rs.33,264,674.00/- in the name of the Haryana Real Estate Appellate Tribunal before the competent authority of the Haryana Real Estate Appellate Tribunal within a period of one week from today.
- ii) On his doing so and in case the amount is found to be adequate, the appeal no.178 of 2024 would stand restored along with all applications filed and the Haryana Real Estate Appellate Tribunal is thereafter requested to proceed with the matter in accordance with



law and decide the main appeal as well as pending applications on merits, in accordance with law.

iii) It is made clear that this Court has not opined on the merits of the appeal and it would be open to both the parties to raise all the pleas, which are available to them, in accordance with law.

(VIKAS BAHL)
JUDGE

September 10, 2025.
Davinder Kumar

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