



135-A

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

RERA-APPL-12-2025 (O&M)

Date of decision: 04.03.2025

M/s IREO Grace Realtech Pvt. Ltd.

...Appellant

Versus

Anuj Agarwal

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Salil Sagar, Sr. Advocate with
Mr. Sankalp Sagar, Advocate and
Mr. R.S. Khaira, Advocate for the appellant.

Mr. Shubham Aggarwal, Advocate and
Mr. Satish Mishra, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present appeal is to the judgment dated 03.02.2025 arising out from Appeal No.240 of 2024 titled as “M/s IREO Grace Realtech Pvt. Ltd. Vs. Anuj Aggarwal” vide which the said appeal along with other appeals has been dismissed on account of lack of mandatory pre-deposit in terms of the proviso of Section 43(5) of RERA Act.

2. On 20.02.2025, this Court had passed the following order:-

*“Present: Mr.Salil Sagar, Senior Advocate with
Mr.R.S. Khaira, Advocate for the appellant.*



Inter alia contends that in the present case, the appeal of the appellant has been dismissed on account of lack of pre-deposit. It is submitted that the appellant is ready to pay the pre-deposit as required under Section 43(5) of the RERA Act and in order to show their bonafide, learned senior counsel for the appellant has prepared a demand draft of an amount of Rs.64,04,777/- in the name of Haryana Real Estate Appellate Tribunal, Chandigarh, a photocopy of which is taken on record as 'Mark A'.

Notice of motion for 04.03.2025.

Notice re: stay.

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

To be shown in the urgent list.

February 20, 2025”

3. Learned counsel appearing on behalf of the respondent has submitted that as per the stand of the respondent, the amount of Rs.64,04,777/- of which the demand draft has been prepared by the appellant is inadequate. He has however fairly submitted that in case the appellant deposits the amount of Rs.64,04,777/- with the Appellate Tribunal within a period of one week from today then in that case, the matter be reconsidered by the Appellate Tribunal and the objections of respondent with respect to the inadequacy of the pre-deposit be kept open to be agitated by the respondent.

4. Learned Senior Counsel for the appellant has submitted that he has no objection to the said course of action.

5. Keeping in view the abovesaid facts and circumstances and fair



stand taken by learned Senior Counsel for the appellant and learned counsel for the respondent and with the consent of both the counsel, the present appeal is partly allowed in the following terms:-

- i) The appellant would deposit the demand draft of the amount of Rs.64,04,777/- with the Registry of the Appellate Tribunal in accordance with the procedure of the Appellate Tribunal within a period of one week from today.
- ii) The impugned order dated 03.02.2025 is set aside qua Appeal No.240 of 2024 and the Haryana Rera Estate Appellate Tribunal is requested to decide the appeal No.240 of 2024 afresh. It would be open to the respondent to raise the objection with respect to inadequacy of pre-deposit under Section 43(5) of RERA Act before the Appellate Tribunal in accordance with law.
- iii) It is made clear that this Court has not opined on the merits of the case or on the exact amount of pre-deposit and it would be open to both the parties to raise all the pleas available to them before the Appellate Tribunal, in accordance with law.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

04.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No