



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

CWP No.30850 of 2025 (O&M)
Date of Decision: 17.10.2025

RADIANT BUILDCON PRIVATE LIMITED

.....Petitioner

Versus

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Navraj Singh, Advocate,
Mr. J.S. Dhanoa, Advocate and
Mr. Manan Batra, Advocate, for the petitioner.

Mr. A.S. Khara, Sr. DAG, Punjab.

Mr. Prashant Rana, Advocate,
for the respondent No.2.

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ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner is seeking directions to respondent No.1 to entertain its appeal without the mandatory condition of pre-deposit in terms of Section 43 (5) of the Real Estate Regulatory Authority Act, 2016 (hereinafter referred to as 'the Act of 2016').

2. Learned counsel for the petitioner submits that respondent No.2-Real Estate Regulatory Authority, Punjab (hereinafter referred to as 'RERA') had passed an ex-parte order dated 11.09.2023 (Annexure P-2) whereby a penalty of Rs.10 Crores has been imposed upon the petitioner. An application for setting aside the ex-parte order was preferred, which was



dismissed. The petitioner had then preferred an appeal against the order before respondent No.1-Real Estate Appellate Tribunal, which is pending adjudication and the petitioner be exempted from making the pre-deposit as it has a very good case on merits.

3. Heard.

4. Respondent No.2-RERA by order dated 11.09.2023 had directed the petitioner to pay a penalty of Rs.10 Crores. The petitioner had preferred an application on 07.11.2023 for setting aside the order imposing penalty, which was dismissed by it. An appeal against the order dated 11.09.2023 was preferred before respondent No.1-Real Estate Appellate Tribunal, Punjab on 12.12.2023. Thereafter, on several occasions the petitioner had sought time to make the payment of the mandatory pre-deposit as noticed in the orders dated 18.08.2025 and 15.09.2025. The petitioner being a promotor of the project has to deposit atleast 30% of the penalty amount in terms of Section 43 (5) of the Act of 2016 for adjudication of the appeal preferred by it before the Real Estate Appellate Tribunal. Section 43 (5) of the Act of 2016 is reproduced hereunder for ready reference:

“43 Establishment of Real Estate Appellate Tribunal.

(1) to (4) xxx xxx xxx

(5) Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal having jurisdiction over the matter:

Provided that where a promoter files an appeal with the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited with the Appellate Tribunal atleast thirty per cent of the penalty, or such higher percentage as may be determined by the Appellate



Tribunal, or the total amount to be paid to the allottee including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.

Explanation.--For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force."

It is evident from bare reading of the provision that a pre-deposit of 30% of the penalty amount is essential condition for hearing the appeal under Section 43 (5) of the Act of 2016.

5. In the afore-noted facts and circumstances, especially when a penalty of Rs.10 Crores has been imposed upon the petitioner for not adhering to the provisions of Section 3 of the Act of 2016, we do not find any good ground to entertain the instant writ petition. Consequently, the petition being devoid of any merit stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

17.10.2025
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No