

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



**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Samarth Sagar, Advocate and  
Mr. Randeep Singh Khaira, Advocate for the appellant.  
(In all the appeals)

Mr. Marinal Sharma, Advocate for the respondents  
(In RERA-APPL-69-2026)

Mr. Harsh Sharma, Advocate for the respondent  
(In RERA-APPL-70-2026)

Mr. Arun Sharma, Advocate for the respondent  
(In RERA-APPL-72-2026)

Mr. N.S. Ghuman, Advocate for the respondent  
(In RERA-APPL-73-2026)

Ms. Komal Bishnoi, Advocate for  
Mr. Yashvir Balhara, Advocate for the respondents.  
(In RERA-APPL-74-2026)

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**VIKAS BAHL, J. (ORAL)**

1. The present order would dispose of five appeals bearing RERA-APPL-69-2026, RERA-APPL-70-2026, RERA-APPL-72-2026, RERA-APPL-73-2026 & RERA-APPL-74-2026. All the appeals involve common questions of law and facts and are thus being taken up together. On joint request of all the counsel, RERA-APPL-69-2026 is taken up as the lead case.

2. Challenge in all the above appeals is to the order passed by the Appellate Tribunal vide which the appeal filed by the present appellant was dismissed solely on the point that pre-deposit as required under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 had not been made. Challenge is also to the subsequent order vide which the application filed by the appellant for revival of the appeal, as pre-deposit



had been made, had also been dismissed on the ground that the Appellate Tribunal had been rendered functus officio.

3. On 18.04.2026, this Court had passed the following order:-

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

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*Inter alia, contends that in the present cases, the appeals filed by the present appellant were dismissed by the Appellate Tribunal solely on the point that the pre-deposit, as required under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, was not made. It is further submitted that subsequently the present appellant had filed an application i.e. CM-916-2025 in which a prayer for waiver of making pre-deposit had been made and the said application has been dismissed solely on the ground that after the dismissal of the appeal due to lack of pre-deposit, the Appellate Tribunal has become functus officio. It is submitted that at any rate, this Court has power to set aside the order dated 03.02.2025 as well as the subsequent orders and direct the hearing of the application for condonation of delay and the main appeal as there is due compliance of provisions of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.*

*Notice of motion for 22.04.2026.*

*Since a very short point is involved, thus, the present appeals be taken up in the urgent list.*

*Liberty is granted to the appellant to serve the respondents through the counsel before the Executing Court as well as through dasti process.*

*Notice re: stay as well.*

*On a pointed query raised by this Court, learned counsel*



*for the appellant, on instructions from the appellant, has fairly submitted that the appellant would pay litigation expenses of Rs.10,000/- in each case.*

*As undertaken before this Court, the appellant would bring an amount of Rs.10,000/- in each case for the respondent(s).*

*A photocopy of this order be placed on the file of other connected cases.*

*April 18, 2026”*

4. Learned counsel for the appellant has submitted that in pursuance of the above order dated 18.04.2026, he has brought cheque amounting to Rs.10,000/- in each case as litigation expenses and the said cheque has been handed over to learned counsel for the respondent(s) in each of the cases, which fact has been reaffirmed by learned counsel for the respondent(s). It is thus submitted that the impugned orders be set aside and the Appellate Tribunal be requested to decide the appeals along with application for condonation of delay and also application for stay afresh, in accordance with law.

5. Learned counsel for the respondent(s) have submitted that the passing of the present order should not be construed as an expression of opinion on the merits of the case and liberty be granted to the respondent(s) to oppose the application for condonation of delay, application for stay as well as the main appeals in accordance with law.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the appellant as well as respondent(s), the impugned order dated 29.01.2025 (In RERA-APPL-70-2026 and RERA-APPL-72-2026), impugned order dated 03.02.2025 (In RERA-APPL-69-



2026, RERA-APPL-73-2026 and RERA-APPL-74-2026) as well as subsequent order dated 06.04.2026 passed in the said appeals are set aside and the Appellate Tribunal is requested to decide the appeals along with application for condonation of delay as well as application for stay afresh.

7. All the parties through their counsel are directed to appear before the Appellate Tribunal on 04.05.2026.

8. It is made clear that this Court has not opined on the merits of the appeals, application for condonation of delay as well as application for stay. It would be open to all the parties concerned to raise all the pleas regarding the same in accordance with law and the Appellate Tribunal is requested to decide the same independently and in accordance with law.

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

**22.04.2026**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**