

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: May 29,2026

(1) CM Nos. 7012 and 6030 of 2025 in/and
Appeal No. 1445 of 2025

JOP International Pvt. Ltd., registered office at address 45/77,
Punjabi Bagh, New Delhi, 110026 through its Director Bharat
Aggarwal, aged 60 years son of Bishamber Dayal Aggarwal

Appellant

Versus

1. Randhir Singh son of Sh. Mange Ram resident of H. No.
1193, Sector 3, Rohtak, Haryana
2. Real Estate Regulatory Authority, Mini Secretariat, New
Office Block, 2nd and 3rd Floor, Sector 1, Panchkula, Haryana
134109 through its Chairman

Respondents

(2) CM Nos. 545 and 546 of 2026 in/and
Appeal No. 85 of 2026

JOP International Pvt. Ltd., registered office at address 45/77,
Punjabi Bagh, New Delhi, 110026 through its Director Bharat
Aggarwal, aged 60 years son of Bishamber Dayal Aggarwal

Appellant

Versus

1. Baljeet Singh son of Sh. Dharambir Singh resident of H.
No.800, Kishan Garh, Meham, Rohtak
2. Real Estate Regulatory Authority, Mini Secretariat, New
Office Block, 2nd and 3rd Floor, Sector 1, Panchkula, Haryana
134109 through its Chairman

Respondents

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad

Chairman
Member (Judicial)

Present: Ms. Deepika Chaudhary, Advocate with
Mr. Abhishek Chauhan, Advocate for the appellant.

O R D E R:

CM Nos. 7012 and 6030 of 2025 in/and
Appeal No. 1445 of 2025

RAJAN GUPTA, CHAIRMAN

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved. However, the facts have been extracted from Appeal No. 1445 of 2025.

2. In the present appeal, challenge has been made to orders dated 14.03.2023 and 30.10.2025, passed by the Authority¹. Vide order dated 14.03.2023, the appellant-promoter has been directed to hand over possession of the flat to the allottee and to pay an amount of Rs.9,65,000/- in the execution till 20.4.2023, failing which penalty @ Rs.5,000/- per day was to be imposed w.e.f. 21.04.2023. Vide order dated 30.10.2025, the promoter has been directed to pay cumulative penalty of Rs.5,00,000/- in the registry on or before 03.12.2025, failing which the Authority was to ensure compliance of order dated 14.03.2023 and to initiate coercive steps as permissible under law.

3. The appeal is accompanied with applications seeking waiver/exemption of 30% pre-deposit as per Section 43(5) of the Act² and condonation of delay of 929 days in filing thereof.

4. Counsel for the appellant-promoter primarily contended that the promoter is facing financial crunch. It had already taken loan from SWAMIH Fund by mortgaging the entire property so that the project can be completed in time. In view of this, it is unable to deposit 30% of the pre-deposit.

¹ Haryana Real Estate Regulatory Authority, Panchkula

² The Real Estate (Regulation and Development) Act, 2016

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5. As per report from the Registry, the appellant-promoter is required to deposit Rs.25,61,000/-.

6. We have heard learned counsel for the appellant.

7. The appellant is posing a challenge to the orders, whereby it has been directed to hand over possession of the flat to the allottee and to pay an amount of Rs.9,65,000/- in execution till 20.04.2023, failing which penalty of Rs.5,000/- was to be imposed w.e.f. 21.04.2023. Vide order dated 30.10.2025, the promoter has been directed to pay cumulative penalty of Rs.5,00,000/- on or before 03.12.2025, failing which the Authority was to ensure compliance of order dated 14.03.023. Same have been impugned after a delay of 929 days. The orders of the Adjudicating Officer and the Authority remained in operation during that period. Pre-deposit has been calculated by the Registry accordingly. It needs to be kept in mind that the party, who is aggrieved by the order, may file appeal against such order. In case, the appeal is filed by the promoter, it has to make pre-deposit. In the instant case, the promoter has preferred the appeal. Thus, the mandatory provision of pre-deposit has to be complied with.

8. Apart from above, admittedly, there is delay of 929 days in filing the appeal. No plausible explanation is forthcoming for condoning such a huge delay. The reasons given in the affidavit accompanying the application do not make a sufficient cause for condonation thereof. The plea for condonation of delay is thus, devoid of merit. The application is accordingly dismissed. Consequently, the appeal cannot be entertained.

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9. In view of law laid down in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil) 367**, it is not possible to entertain an appeal which is not accompanied by the requisite pre-deposit. There is no provision for waiver or exemption of pre-deposit. Relevant paragraphs of the judgment are reproduced hereunder for ready reference:

“122. It may straightaway be noticed that Section 43(5) of the Act envisages the filing of an appeal before the appellate tribunal against the order of an authority or the adjudicating officer by any person aggrieved and where the promoter intends to appeal against an order of authority or adjudicating officer against imposition of penalty, the promoter has to deposit at least 30 per cent of the penalty amount or such higher amount as may be directed by the appellate tribunal. Where the appeal is against any other order which involves the return of the amount to the allottee, the promoter is under obligation to deposit with the appellate tribunal the total amount to be paid to the allottee, which includes interest and compensation imposed on him, if any, or with both, as the case may be, before the appeal is to be instituted.”

123. The plea advanced by the learned counsel for the appellants is that substantive right of appeal against an order of authority/adjudicating officer cannot remain dependent on fulfilment of pre-deposit which is otherwise onerous on the builders alone and only the builders/promoters who are in appeal are required to make the pre-deposit to get the appeal entertained by the Appellate Tribunal is discriminatory amongst the stakeholders as defined under the provisions of the Act.

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125. The submission in the first blush appears to be attractive but is not sustainable in law for the reason

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that a perusal of scheme of the Act makes it clear that the limited rights and duties are provided on the shoulders of the allottees under Section 19 of the Act at a given time, several onerous duties and obligations have been imposed on the promoters i.e. registration, duties of promoters, obligations of promoters, adherence to sanctioned plans, insurance of real estate, payment of penalty, interest and compensation, etc. under Chapters III and VIII of the Act 2016. This classification between consumers and promoters is based upon the intelligible differentia between the rights, duties and obligations cast upon the allottees/home buyers and the promoters and is in furtherance of the object and purpose of the Act to protect the interest of the consumers vis-a-viz., the promoters in the real estate sector. The promoters and allottees are distinctly identifiable, separate class of persons having been differently and separately dealt with under the various provisions of the Act.”

10. In view of the above, it is evident that there is no scope for hearing the appeal on merits, as the same is not maintainable due to lack of pre-deposit. The same is hereby dismissed with no order as to costs.

11. Consequently, the accompanying applications are also dismissed.

12. Copy of this order be sent to the parties/their counsel and the Authority.

13. Files be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

May 29,2026/ mk