



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

RERA-APPL-119-2026 (O&M)

Date of Decision: 13.07.2026

M/s Pivotal Infrastructure Private Limited

...Appellant

Versus

Bimaljeet Singh

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. A.S. Sukhija, Senior Advocate with
Mr. Karan Kaushal, Advocate and
Mr. Nitesh Dalal, Advocate
for the appellant

JAGMOHAN BANSAL, J. (ORAL)

1. The appellant through instant appeal under Section 58 of the Real Estate (Regulation and Development) Act, 2016 (for short '2016 Act') is seeking setting aside of order dated 22.05.2026 whereby learned Haryana Real Estate Appellate Tribunal (for short 'Appellate Tribunal') has dismissed its appeal on the ground of non-compliance of condition of pre-deposit.

2. The appellant-company is a promoter of a real estate project. The appellant allotted a flat in its project named as 'Royal Heritage' Section 70 Panchkula to respondent-Bimaljit Singh for a consideration of ₹1,05,47,500/-. The respondent paid a sum of ₹15,30,000/-. The appellant on account of non-payment of balance amount vide letter dated 20.07.2015 cancelled his allotment. The respondent filed complaint before Authority which vide order dated 12.04.2023 directed the appellant to refund a sum of ₹29,47,358/- to the respondent-complainant.



The appellant preferred an appeal along with an application seeking waiver of pre-deposit. The appellant pleaded before Tribunal that allottee had paid a sum of ₹15,30,000/- towards total sales consideration. The appellant was entitled to forfeit 10% of total basic sale consideration. The authority has committed error in computing earnest money. The appellant has rightly deposited a sum of ₹619329/- towards pre-deposit and is not liable to deposit ₹29,47,358/-. Learned Tribunal by order dated 22.05.2026 has rejected appellant's appeal on the ground that appeal is not maintainable due to lack of pre-deposit.

3. Learned counsel for the appellant, on being confronted with the fact that this Court while exercising appellate jurisdiction cannot order to reduce amount of pre-deposit, submits that appellant may be granted two months' time to comply with condition of pre-deposit.

4. The appeal stands ***disposed of*** with liberty to appellant to make pre-deposit within two months from today as per provisions of 2016 Act. If appellant complies with condition of pre-deposit within aforesaid period, its appeal would be heard by Tribunal on merit. Till the expiry of aforesaid two months' period, execution proceedings, if any, shall remain stayed.

5. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.07.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No