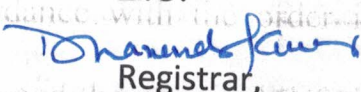


## NOTICE

While making compliance of Section 43(5) of the Real Estate (Regulation & Development) Act, the amount is calculated by the appellant and verified by the office. The calculations are provided by the appellant and occasionally there can be a conflict between the calculations projected by the appellant and that of the office. For this reason it is imperative that the appellant file an affidavit giving the details of the working out of the calculations. Even in the case of a marginal short fall, the appellant runs the risk of return of the appeal. It is pertinent that Section 43(5) has to be complied with in toto and there cannot be any partial or near substantial compliance. Non-compliance of this provision invites the risk of dismissal of appeal by the Tribunal. Hon'ble Supreme Court and recently the Hon'ble Punjab & Haryana High Court have both held that this provision is valid and the Tribunal has no jurisdiction to waive of this condition. To over-ride such contingencies, i.e., return of appeal or even dismissal by the Tribunal, it is desirable that the appellant file an affidavit giving details of the calculations worked out by him in accordance with the order impugned along with an affidavit that he shall make good the marginal deficiency, if any, established by the office or discovered by the Tribunal at a subsequent stage. In case of any discrepancy discovered at the time of filing of the appeal, the office shall record an objection and if the appellant insists upon the correctness of his calculation, the appeal shall be put up before the Tribunal and in the first instance, the appellant shall have to explain this aspect to the Hon'ble Bench.

B.O.

January 14, 2022.

  
Registrar,  
Real Estate Appellate Tribunal, Punjab