

**IN THE COURT OF THE HON'BLE DISTRICT CONSUMER
REDRESSAL COMMISSION, AT: L. B. NAGAR**

I.A. No. of 2022

IN

C.C. No. 258 of 2020

BETWEEN:

M/s. Modi Properties & Investments Private Ltd & Ors

Petitioners/

Opposite Parties No. 1-3

AND

Mr. Bhagavathula Venkata Subramanyam & Ors

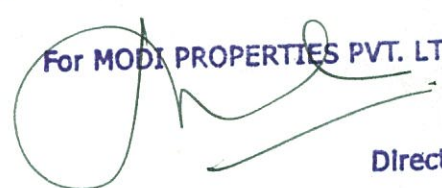
Respondents/Complainants/

Opposite Party No. 4

AFFIDAVIT

I, Soham Modi, S/o. Late Satish Modi aged about 51 years, Occ: Business, R/o. 5-4-187/3 & 4, Soham Mansion 2nd Floor, MG Road, Rani Gunj, Secunderabad, the Managing Director of the Opposite Party No. 1 do hereby solemnly affirm and sincerely state on oath as under:

1. I state that I am the deponent herein and the Opposite Party No. 1 in the main case and as such I am well acquainted with the facts of the case. I am authorised to file this Affidavit on behalf of Petitioners No. 2-3 herein who are Opposite Parties No. 2-3 in the main case. The Complainants have filed the instant Consumer Complaint CC No. 258 of 2020 against me by stating untrue and incorrect facts and are attempting to misrepresent and mislead this Hon'ble Court.
2. I submit that I have filed a Written Version on behalf of myself and Opposite Parties 2 to 3 bringing on record the true facts of the instant case. In the complaint, the Complainants have raised several baseless allegations pertaining to non-completion of the Bloomdale project and the amenities prior to the handover of the villas to the Complainants. In this connection it is essential that this Hon'ble Forum be presented with the following additional documents:


For MODI PROPERTIES PVT. LTD.

Director

- a. Completion Certificate issued by a registered Chartered Engineer in respect of the Complainants' villas and the amenities pertaining to the Bloomdale Project.
- b. Letters of confirmation/undertaking issued by the Complainants in respect of Villa Nos.3, 18, 31, 32, 43, 44 & 66.
- c. No dues certificate issued by the Opposite Party 1 and 2 in respect of Villa Nos. 3, 18, 31, 32, 38, 43, 44 & 66 and accepted by respective villa owners/Complainants.
- d. Copy of Letters of Possession issued by Opposite Party No.1 & 2 in respect of Villa Nos: 3, 18, 31, 32, 38, 43, 44 & 66 and accepted by respective villa owners/Complainants.
- e. Copy of representation dated; 24.03.2021 addressed by Opposite Party No.2 to HMDA intimating completion of works in the project and seeking issuance of Occupancy Certificate.
- f. Copy of Notice U/s 41-A(1) Cr.P.C, dated: 19.01.2021, issued by PS Shamirpet upon Opposite Party No.1, in relation to Crime. No. 390 of 2020 registered U/s 406 & 420 of IPC.
- g. Copy of representation dated: 16.09.2021 addressed to HMDA by Opposite Party No. 2 intimating completion of pending works suggested by HMDA.
- h. Copy of Notice bearing Lr.No.660/MP2/H.Plg/2008, dated: 20.09.2021 issued by HMDA upon some of the complaints and Opposite Party No.2, for submitting their explanations in pursuance to the direction of the Hon'ble High Court in W.P.No.14594 of 2020.
- i. Copy of representation, dated 03.11.2021, addressed to HMDA by Opposite Party No. 2 seeking a copy of the closure order passed by the HMDA in respect of the representations of the Complainants

For MODI PROPERTIES PVT. LTD.

Director

3. The sum and substance of the Complainants' allegations is that the villas in the Bloomdale project were not completed and most of the amenities promised in the brochure were not provided or the amenities, to the extent provided, are not being maintained in a proper manner by the Opposite Parties 1 to 3 and that most importantly the basic amenities and facilities required for occupation like drinking water etc. have not been provided by the Opposite Parties 1 to 3. In this regard it is essential that this Hon'ble Forum admit the above documents as they contain certificates and correspondences wherein the Complainants themselves have confirmed that the "*villa was inspected and it has been completed in all respects*" and that "*basic common amenities and utility services required for occupation of the said villa have been provided*".
4. As such, to prove my contentions and the gross misrepresentation and fraud of the Respondents/Complainants and to further substantiate my pleadings in the written version, I am filing the above documents.
5. I submit that the above documents are crucial and important documents necessary to bring on record the true facts in relation to the instant case and to substantiate my contentions and pleadings. In view of the same, this Hon'ble Court may be pleased to receive the above documents, failing which I will be put to irreparable loss and injury.

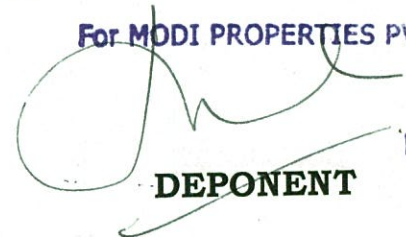
I therefore pray that this Hon'ble Forum may be pleased to receive the documents i.e, (i) Completion Certificate issued by a registered Chartered Engineer in respect of the Complainants' villas and the amenities pertaining to the Bloomdale project (ii) Letters of confirmation/undertaking issued by the Complainants in respect of Villa Nos.3, 18, 31, 32, 43, 44 & 66. (iii) No dues certificate issued by the Opposite Party 1 and 2 in respect of Villa Nos. 3, 18, 31, 32, 38, 43, 44 &

For MODI PROPERTIES PVT. LTD.

Director

66 and accepted by respective villa owners/Complainants (iv) Copy of Letters of Possession issued by Opposite Party No.1 & 2 in respect of Villa Nos: 3, 18, 31, 32, 38, 43, 44 & 66 and accepted by respective villa owners/Complainants (v) Copy of representation dated 24.03.2021 addressed by Opposite Party No.2 to HMDA intimating completion of works in the project and seeking issuance of Occupancy Certificate (vi) Copy of Notice U/s 41-A(1) Cr.P.C, dated: 19.01.2021, issued by PS Shamirpet upon Opposite Party No.1, in relation to Crime. No. 390 of 2020 registered U/s 406 & 420 of IPC (vii) Copy of representation dated: 16.09.2021 addressed to HMDA by Opposite Party No. 2 intimating completion of pending works suggested by HMDA (viii) Copy of Notice bearing Lr.No.660/MP2/H.Plg/2008, dated: 20.09.2021 issued by HMDA upon some of the complaints and Opposite Party No. 2 and (ix) Copy of representation, dated 03.11.2021, addressed to HMDA by Opposite Party No. 2 seeking a copy of the closure order passed by the HMDA in respect of the representations of the Complainants, for submitting their explanations in pursuance to the direction of the Hon'ble High Court in W.P.No.14594 of 2020, on my behalf in the above C. C. No. 258 of 2020 as documentary proof and also to mark the same for adjudication of the instant case, or else I would stand to suffer irreparable loss and hardship and to pass such other order or orders this Hon'ble Court may deem fit in the circumstances of the case and in the interest of justice.

For MODI PROPERTIES PVT. LTD.


DEPONENT

Director

Sworn and signed before me on
this the ___ day of January 2022

Advocate::Hyderabad

**IN THE COURT OF THE HON'BLE DISTRICT CONSUMER
REDRESSAL COMMISSION, AT: L. B. NAGAR**

I.A. No. of 2022

IN

C.C. No. 258 of 2020

BETWEEN:

1. M/s. Modi Properties and Investments Pvt. Ltd.
Rep by its Managing Director,
Mr. Soham Modi S/o. Late Mr. Satish Modi
having its office at #5-4-187/3&4, II Floor
M.G. Road, Secunderabad 500 003
2. M/s. Kadakia and Modi Housing
Rep by its Managing Director,
Mr. Soham Modi S/o. Late Mr. Satish Modi
having its office at #5-4-187/3&4, II Floor
M.G. Road, Secunderabad 500 003
3. Mr. Soham Modi, S/o. Late Satish Modi
aged about 51 years, Occ: Business,
R/o. 5-4-187/3 & 4, Soham Mansion
2nd Floor, MG Road, Rani Gunj, Secunderabad

Petitioners/Opposite Parties No. 1-3

AND

1. Mr. Bhagavathula Venkata Subramanyam
S/o. Sri Lakshminarayana
Aged about 61 years Occ: Retd AGM, NTPC
R/o. Villa No. 3 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
2. Mrs. B. Siva Kameswari
W/o. Bhagavathula Venkata Subramanyam
Aged about 58 years, Occ: Household
R/o. Villa No. 3 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
3. Mrs. K. Shyama
W/o. Mrs. K. Kameswara Rao
Aged about 54 years, Occ: House Wife
R/o. Villa No. 18 Bloomdale (Gated Community)

Shamirpet Village and Mandal
Medchal District, Telangana

4. Dr. K. Abhijna Rao
D/o. K Kameswara Rao
Aged 28 years Occ: Doctor
R/o. Villa No. 18 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
5. Mr. K.S.K. Chakravarthy
S/o. Late Sri Gopalakrishna Murthy
Aged 45 years Occ: Pvt. Employee
R/o. Villa No. 31 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
6. Mr. G. Mallikarjun
S/o. Late Sri Chennaiah,
Age: 48 years Occ: Asst. Professor
R/o. Villa No. 32 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
7. Mrs. S. Vijayalaxmi
W/o. G. Mallikarjun
Age 40 years, Occ: Household
R/o. Villa No. 32 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
8. Mr. Easo Varghese
S/o. Late Sei T.E.Gee Varghese
Age: 50 years, Occ: Business
R/o. Villa No. 38 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
9. Mr. Ravi Rajasekhar
S/o. Late Sri Ravi Chandradekharam
Aged 65 years, Occ: Retd Dy. Director AG Depts
R/o. Villa No. 40 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
10. Mrs. V. Lakshmi Prabha
W/o. Ravi Rajasekhar
Aged about 59 years Occ; Household
R/o. Villa No. 40 Bloomdale (Gated Community)

Shamirpet Village and Mandal
Medchal District, Telangana

11. Mr. Goverdhan T
S/o. Late Sri. T. Devaraj
Aged 75 years Occ: Retd. Govt. Officer
R/o. Villa No. 56 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
12. Mr. T.G. Vijaya Lakshmi
W/o. T. Goverdhan
Aged 70 years, Occ: Household
R/o. Villa No. 56 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
13. Mr. B. Raja Rao
S/o. Late Surya Narayana
Age 67 years Occ: Retd. SE Singareni
R/o. Villa No. 58 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
14. Mr. B. Venkata Surya Sashanka
S/o. B. Raja Rao
Aged about 36 years Occ: Service
R/o. Villa No. 58 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
15. Air Commodore Mr. MDN Prasad
S/o. Late Sri MS Murthy,
Aged 60 years Occ: Retd. Officer
R/o. Villa No. 66 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
16. Mrs. Vijaya Prasad
W/o. MDN Prasad
Aged: 56 years Occ: Household
R/o. Villa No. 66 Bloomdale (Gated Community)
Shamirpet Village and Mandal
Medchal District, Telangana
17. Bloomdale Owners Association
Rep by its President/Secretary
Office at Modi Bloomdale Gated Community

Shamirpet Village and Mnadal,
Medchal-Malkajgiri District, Telangana

Respondents/Complainants/Opposite Party No. 4

**PETITION FILED UNDER ORDER VII RULE 14(3) R/W S. 151 OF
CPC**

For the reasons stated in the accompanying affidavit, the Petitioners/Opposite Parties 1-3 pray that this Hon'ble Court may be pleased to receive the documents i.e, (i) Completion Certificate issued by a registered Chartered Engineer in respect of the Complainants' villas and the amenities pertaining to the Bloomdale project (ii) Letters of confirmation/undertaking issued by the Complainants in respect of Villa Nos.3, 18, 31, 32, 43, 44 & 66. (iii) No dues certificate issued by the Opposite Party 1 and 2 in respect of Villa Nos. 3, 18, 31, 32, 38, 43, 44 & 66 and accepted by respective villa owners/Complainants (iv) Copy of Letters of Possession issued by Opposite Party No.1 & 2 in respect of Villa Nos: 3, 18, 31, 32, 38, 43, 44 & 66 and accepted by respective villa owners/Complainants (v) Copy of representation dated; 24.03.2021 addressed by Opposite Party No.2 to HMDA intimating completion of works in the project and seeking issuance of Occupancy Certificate (vi) Copy of Notice U/s 41-A(1) Cr.P.C, dated: 19.01.2021, issued upon Opposite Party No.1, in relation to Crime. No. 390 of 2020 registered U/s 406 & 420 of IPC (vii) Copy of representation dated: 16.09.2021 addressed to HMDA by Opposite Party No.1 to 3 intimating completion of pending works suggested by HMDA (viii) Copy of Notice bearing Lr.No.660/MP2/H.Plg/2008, dated: 20.09.2021 issued upon some of the complaints and Opposite Party No.2, for submitting their explanations in pursuance to the direction of the Hon'ble High Court in W.P.No.14594 of 2020 and (ix) Copy of representation, dated 03.11.2021, addressed to HMDA

by Opposite Party No. 2 seeking a copy of the closure order passed by the HMDA in respect of the representations of the Complainants, on my behalf in the above C. C. No. 258 of 2020 as documentary proof and also to mark the same for adjudication of the instant case, or else I would stand to suffer irreparable loss and hardship and to pass such other order or orders this Hon'ble Court may deem fit in the circumstances of the case and in the interest of justice.

Counsel for the Petitioners/Opposite Parties 1 to 3

Date: .01.2022
Place: Hyderabad

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DISTRICT CONSUMER REDRESSAL
COMMISSION, AT: L. B. NAGAR**

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Private Ltd & Ors

Petitioners/Opposite Parties
No. 1-3

AND

Mr. Bhagavathula Venkata
Subramanyam & Ors

Respondents/Complainants/
Opposite Party No. 4

**PETITION FILED UNDER ORDER
VII RULE 14(3) R/W S. 151 OF CPC**

FILED ON:

FILED BY:

**DUVVA PAVAN KUMAR
SHRADDHA GUPTA
ADVOCATES**

Address for Service:

The Law Chambers
Suit No. 16, 3rd Floor,
Cyber Hub, Gachibowli,
Hyderabad
Ph no: +91-9885885705
Email id:
Shraddha@thelawchambers.in
**COUNSEL FOR OPPOSITE PARTY NO. 1
TO 3**