

BEFORE THE TELANGANA STATE CONSUMER DISPUTES REDRESSAL COMMISSION

HYDERABAD
(Under Consumer Protection Act, 2019)
ERUVAKA BUILDING, KHAIRATABAD, HYDERABAD - 500 004
Phone No. 040-23394399



FAIA No.673/2023 (Delay petition)
IN
FA .No.280/2023
(against in CC No.258/2020 District Commission, Karimnagar)

NOTICE IN DELAY PETITION

Between:

1. Mr.Bhagavathulu Venkata Subramanyam & 15 others.,

.... Appellants/ Complainants

And

1. Bloomdale Owners Association, & 3 others;

...Respondents/ opposite parties

Whereas the above named Petitioner/Appellants filed the above application in Telangana State Consumer Disputes Redressal Commission praying to condone the delay of (6) days in preferring the appeal.

You are hereby directed to appear before the State Commission in person or through an advocate duly instructed on 22/06/2023 at 10.30 AM to show cause as to why the petition for condoning the delay should not be ordered failing which, the said petition will be heard and decided in your absence and you may also file counter if any in the said application for condonation of delay .

Given under my hand and seal of the Telangana State Consumer Disputes Redressal Commission, Hyderabad on this **the 11th day of May, 2023.**

//BY ORDER//

[Signature]
Designated Officer

Cum Assistant Register

Designated Officer-cum-
Assistant Registrar

Telangana State Consumer Disputes
Redressal Commission, Hyderabad

To

1. Bloomdale Owners Association, Rep. by its President/Secretary,
Office at Modi Bloomdale Gated Community,
Shamirpet Village and Mandal, Medchal-Malkajgiri District, Telangana State..

2. M/s.Modi Properties & Investments Private Limited, Rep by its Managing Director,
Mr. Soham Modi, S/o. Not Known to Complainants, Office at # 5-4- 187/3&4, II Floor, Soham
Mansion, M.G Road, Secunderabad - 500 003.

3. M/s. Kadakia and Modi Housing Rep by its Managing Partner
Mr. Soham Modi, S/o. Not Known to Complainants,
Office at # 5-4- 187/3&4, II Floor, Soham Mansion,
M.G Road, Secunderabad - 500 003..

4. Mr.Soham Modi, S/o. Sateesh Modi, Aged about 50 years, Occ: Business,
Managing Director of M/s. Modi Properties & Investments Private Ltd
R/o. 5-4- 187/3&4, II Floor, Soham Mansion,
M.G Road, Secunderabad - 500 003.

*BYS

[Handwritten] DL No. 1418
15/05/2023



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BEFORE THE HON'BLE TELANGANA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION:: AT HYDERABAD

IA No. 673 OF 2022
IN
F.A.No. 280 OF 2022



Between:

1. Mr. Bhagavathula Venkata Subramanyam
S/o. Sri. Lakshminarayana, Aged 61 years,
Occ : Retd. AGM, NTPC, R/o. Villa No. 3,
2. Mrs.B.Siva Kameswari,
W/o.Bhavathula Venkata Subramanyam,
Aged 58 years, occ : Household, (Both R/o.Villa No.3)
3. Mrs. K, Shyama, W/o.K.Kameswara Rao,
Age: 54 years, Occ: House wife,
4. Dr.K.Abhijna Rao, D/o.K.Kameswara Rao,
Aged 28 years, occ : Doctor, (Both R/o.Villa No.18)
5. Mr. KSK Chakravarthy,
S/o. Late. Sri. Gopalakrishna Murthy,
Age: 45 years, Occ: Pvt. Employee,
R/o. Villa No. 31,
6. Mr. G. Mallikarjun,
S/o. Late. Sri. Chennaiah
Age: 48 yers, Occ: Asst. Professor,
R/o. Villa No. 32,
7. S.Vijayalakshmi, W/o.G.Mallikarjun,
Aged 40 years, occ : Household (Both R/o.Villa No.32)
8. Easo Varghese, S/o. Late. Sri. T.E.G Varghese
Age 50 years, Occ: Business, R/o. Villa No.38,
9. Mr. Ravi Raja Sekhar, S/o. Late. Sri. Chandrasekharam,
Age: 65 Years, Occ: Retd. Dy. Director AG Dept,

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B.V. SUBRAMANYAM

10. Mrs.V.Lakshmi Prabha, W/o.Ravi Rajasekhar,
Aged 59 years, occ : Household (Both R/o.Villaa No.40)
11. Mr. Govardhan T,S/o. Late. Sri. T. Devararaj,
Age: 75 years, Occ: Retd. Govt. Officer,
12. T.G.Vijaya Lakshmi, W/o.T.Goverdhan,
Aged 70 years, occ : Household (both R/o.Villa No.56)
13. Mr.B.Raja Rao, S/o. Late. Sri. Surya Narayana,
Age: 67 years, Occ: Retd. SE Singareni,
14. Mr.B.Venkata Surya Sashanka, S/o.B.Raja Rao,
Aged 36 years, occ : Service,
Both are R/o.Villa No.58 and owners of Villa No.43, 44)
15. Air Commodore Mr. MDN Prasad,
S/o. Late. Sri. MS Murthy, Age; 60 years,
Occ: Retd. Officer,
16. Mrs.Vijaya Prasad, W/o.MDN Prasad,
Aged 56 years, occ : Household,
(Both are R/o.Villa No.66)

Appellants 1 to 16 all are Owners and Residents of
Bloomdale (Gated Community),
Shamirpet Village and Mandal,
Medchal-Malkajgiri District, Telangana State.

....Appellants/Complainants

AND

1. Bloomdale Owners Association,
Rep. by its President/Secretary,
Office at Modi Bloomdale Gated Community,
Shamirpet Village and Mandal,
Medchal-Malkajgiri District, Telangana State.
....Respondent/ Opposite Party No.4
2. M/s.Modi Properties & Investments Private Limited,
Rep by its Managing Director,
Mr. Soham Modi, S/o.Not Known to Complainants,
Office at # 5-4- 187/3&4, II Floor, Soham Mansion,
M.G Road, Secunderabad – 500 003.

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B.V. SUBRAMANYAM

3. M/s.Kadakia and Modi Housing
Rep by its Managing Partner
Mr.Soham Modi, S/o.Not Known to Complainants,
Office at # 5-4- 187/3&4, II Floor, Soham Mansion,
M.G Road, Secunderabad – 500 003.
4. Mr.Soham Modi, S/o. Sateesh Modi,
Aged about 50 years, Occ: Business,
Managing Director of M/s.Modi Properties & Investments Private Limited,
R/o. 5-4- 187/3&4, II Floor, Soham Mansion,
M.G Road, Secunderabad – 500 003.



....Respondents / Opposite Party 1 to 3

AFFIDAVIT

I, Bhagavathula Venkata Subramanya, S/o. Sri. Lakshminarayana, Aged 61 years, Occ : Retd. AGM, NTPC, R/o. Villa No. 3, Modi Bloomdale Gated Community, Shamirpet Village and Mandal, Medchal-Malkajgiri District , Telangana State, do hereby solemnly affirm and state on oath as follows:

1. I am the petitioner /appellant No.1 herein as such I am well acquainted with the facts of the case. I am deposing this affidavit on my behalf and I am authorized to depose the same on behalf of other petitioners as well.

2. I submit that I filed the complaint before the District Consumer Forum, R.R.District at LB Nagar for grant of compensation of Rs. 64,98,000/- as there is a deficiency of service by the opposite parties.

3. I submit that I filed written arguments and the opposite parties also filed counter and written version and when the matter is in the final end of the stage, the opposite party filed a petition for rejection of complaint under order 7 rule 11 of

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B.V. SUBRAMANYAM

CPC. I filed the counter in the above said petition. The District Consumer Forum without considering the facts of the case without examining the matter in perspective manner erroneously allowed the petition vide its order dated 11-10-2022. Aggrieved by the same, I filed the present appeal.

4. I submit that the District Consumer Forum passed order on 11-10-2022 but it was delivered on 26-10-2022 and after receipt of the said order the appeal grounds was prepared by my counsel but unfortunately the file was mixed up with other files in the office and thereafter on repeated search the file was traced up on 16-12-2022 and immediately the same was presented before this Hon'ble Court. Hence there is a delay of (6) days in filing the appeal before this Hon'ble Commission, the delay caused is neither willful nor wanton but due to the aforesaid reason. Hence in the interest of justice it is just and necessary to condone the delay of (6) days in filing the appeal before this Hon'ble State Commission or else I will be put to irreparable loss and hardship which cannot be compensated in any manner.

It is therefore prayed that this Hon'ble court may be pleased to condone the delay of (6) days in filing the appeal before this Hon'ble Court in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me
On this the day of December,
2022 at Hyderabad.

Advocate : Hyderabad.

B.V. S
B.V. SUBRAMANIAM
DEPONENT

BEFORE THE HON'BLE TELANGANA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION:: AT HYDERABAD

IA No. 673 OF 2022
IN
F.A.No. 288 OF 2022

Between:

1. Mr. Bhagavathula Venkata Subramanyam
S/o. Sri. Lakshminarayana, Aged 61 years,
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Age: 54 years, Occ: House wife,
4. Dr.K.Abhijna Rao, D/o.K.Kameswara Rao,
Aged 28 years, occ : Doctor, (Both R/o.Villa No.18)
5. Mr. KSK Chakravarthy,
S/o. Late. Sri. Gopalakrishna Murthy,
Age: 45 years, Occ: Pvt. Employee,
R/o. Villa No. 31,
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Age: 75 years, Occ: Retd. Govt. Officer,
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....Appellants/Complainants

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Rep by its Managing Director,
Mr. Soham-Modi, S/o.Not Known to Complainants,
Office at # 5-4- 187/3&4, II Floor, Soham Mansion,
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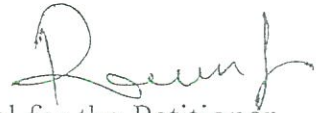
....Respondents / Opposite Party 1 to 3



PETITION FILED UNDER SECTION 41 OF CONSUMER PROTECTION ACT

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble court may be pleased to condone the delay of (6) days in filing the appeal before this Hon'ble Court in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Hyderabad,
Dt. -12-2022.


Counsel for the Petitioner

BEFORE THE HON'BLE TELANGANA
STATE CONSUMER DISPUTES
REDRESSAL COMMISSION::
AT HYDERABAD

I.A.No. 673 OF 2022
IN
F.A.No. 280 OF 2022

Between:

Mr. Bhagavathula
And others

...Appellants/Complainants

And

M/s.Modi Properties & Investments Private
Limited, And others

...Respondents/Opposite Parties

PETITION FILED UNDER SECTION 41 OF
CONSUMER PROTECTION ACT

Filed on : 16-12-2022

Filed by :

Venkata Rangadas Kanuri
Advocate
Counsel for the Appellants

Address :
Flat No.414, Sovereign Shelter apts,
Lakdikapool, Hyderabad.
9849009345

Regd. Post With ACK Due

On I.G.S. Only

FAIA/673/23 IN FA/280/2023 (N)

22/06

3 M/s. Kadakia and Modi Housing Rep
by its Managing Partner Mr. Soham
Modi, S/o. Not Known to Complainants,
Office at # 5-4-187/3&4, II Floor,
Soham Mansion, M.G Road,
Secunderabad - 500 003.

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Despatch Clerk

Telangana State Consumer
Disputes Redressal Commission
Eruvaka Building, Khatatbad,
Hyderabad - 500 004
Ph: 0-0-24399



RN142613231IN





भारतीय डाक



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Counter No: 9.18/05/2023.11:16

Amt: 0.00Wt: 40gms

SS: 30.00

From: HYDERABAD G.P.O. <500001>

From: Hub

To: Hub

Del: PO: Secunderabad H.O: 500003