

**IN THE HIGH COURT FOR THE STATE OF TELANAGANA
AT HYDERABAD**

I.A. NO OF 2024

IN

W.P. No. 2166 OF 2024

Between

Mehta & Modi Realty (Thimmapur) LLP,
Rep. by its Managing Partner, Soham Modi,
S/o. Late Satish Modi, R/o.5-4-187/3&4,
Soham Mansion, M.G. Road, Secunderabad-500003.

...Petitioner/Petitioner.

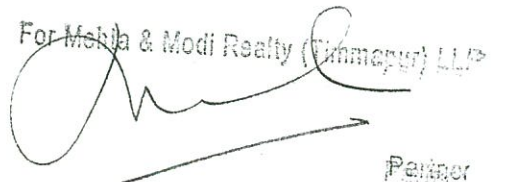
AND

1. State of Telangana rep by
Principal Secretary, Municipal Administration and
Urban Development Department,
Secretariat Hyderabad.
2. Hyderabad Metropolitan Development Authority,
Rep. by its Metropolitan Commissioner,
Swarna Jayanthi Complex, Ameerpet,
Hyderabad.

... Respondents / Respondents 2 & 3

3. Enforcement Directorate
Represented by its Joint Director,
Hyderabad Zonal Office, 3rd Floor,
Shakkar Bhavan, Basheerbagh,
Hyderabad – 500004.

...Respondent / Proposed 3rd Respondent

For Mehta & Modi Realty (Thimmapur) LLP

Partner

AFFIDAVIT

I, Soham Modi, S/o. Late Satish Modi, Aged about 52 Years, Occ: Business, R/o.5-4-187/3&4, Soham Mansion, M.G. Road, Secunderabad-500 003, do hereby solemnly affirm and state on oath as follows:

1. I am the Managing Partner of the Petitioner Firm and as such well acquainted with the facts of the case.
2. I submit that the Petitioner has filed the present Writ Petition questioning the TS-bPASS shortfall letter in File No.012136/BP/HMDA/2692/SMD/2023, dated 15.11.2023 whereby the application filed by the Petitioner Firm in File No. No.012136/BP/HMDA/2692/SMD/2023, dated 01.11.2023, made for permission to construct a Cellar + Ground + 6 Upper Floors in land situated at Survey No.199/P, Timmapur Village, Kothur Mandal, Ranga Reddy District in a plot area of 14467.88 Sq. Meters proposing to construct a built up area of 36349.19 Sq. Meters and the HMDA is issuing shortfalls on totally unsustainable grounds as arbitrary, illegal and in violation of the existing rules and norms.
3. I submit that the Petitioner Firm is the owner of the land admeasuring Ac.3-24 guntas forming part of Survey No.199/P, Timmapur Village, Kothur Mandal and Grampanchayath, Ranga Reddy District having purchased the same from its earlier owners under registered sale deed bearing doct.no.9507 of 2021, dated 17.12.2021 registered at the Sub-Registrar office, Shadnagar. It is further

For Mehta & Modi Realty (Timmapur) Pvt. Ltd.



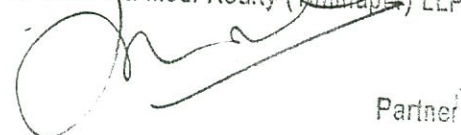
Director

submitted that the Petitioner Firm has made an application dated 26.03.2022 for construction a residential building / apartment complex in a plot area as per drawing on 14417.88 Sq. Meters and with a built up area of 25,503.68 Sq. Meters with one Cellar + Ground + 6 Upper Floors.

4. I further submit that the shortfall letter issued by the 2nd respondent under TS-BPASS Act at shortfall number 5 requires the petitioner to furnish the details of Enforcement Directorate / CBI / Court Cases / Mortgages as mentioned in the NOC copy of State Bank of India (SBI) on the applied land for further verification.

5. It is further submitted that in the Affidavit of the writ petition in paragraph number 7, sub-para number 5 as explanation to the shortfall number 5, we have clearly stated that Enforcement Directorate / CBI proceedings were against M/s. Siddi Vegetable Oil Products Private Limited which is different and distinct from Siddi Vegetable Oils which is a Partnership Firm and from whom the property was purchased by the petitioner. The partners of the firm Siddi Vegetable Oils have pledged its property as a collateral security to SBI for the loan obtained by M/s. Siddi Vegetable Oil Products Private Limited Company. The said company had repaid its loan to the SBI under one-time settlement and SBI had released its charge on the properties owned by the firm Siddi Vegetable Oils. The Enforcement Directorate proceedings against M/s. Siddi Vegetable Oil Products Private Limited have nothing to do with the firm Siddi Vegetable Oils and its

For Mehta & Modi Realty (Gimmapur) LLP



Partner

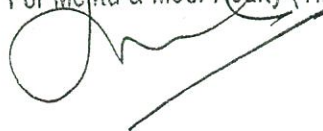
properties and none of the properties of firm Siddi Vegetable Oils are attached by the Enforcement Directorate. It is submitted that the petitioner is filing the documents to this effect.

6. It is further submitted that this Honourable Court on 30.01.2024 has observed that it may be necessary to make Enforcement Directorate / CBI Authorities as party respondent to the Writ Petition since shortfall notice issued by the 2nd respondent authority makes a reference to the subject property being under attachment.

7. It is submitted that in view of the papers which are being filed by the petitioner herein the entire situation would be clear and it would demonstrate that no part of the property acquired by the petitioner from Siddi Vegetable Oil, a partnership firm is under attachment of Enforcement Directorate or any part of the investigation by the CBI. As such there is no requirement of making any such application for impleadment of Enforcement Directorate / CBI as party to the Writ Petition. However, by way of abundant caution the petitioner is filing the present application to implead the 3rd respondent herein as 3rd respondent in the Writ Petition and in the Interlocutory Applications therein in the interest of the justice.

8. It is therefore prayed that this Hon'ble Court may be pleased to permit the petitioner to implead the 3rd respondent herein as 3rd respondent in the Writ

For Mehta & Modi Realty (Timmapur) LLP



Partner

Petition No. 2166 of 2024 and in the Interlocutory Applications therein and pass such other order or orders in the interest of the justice.

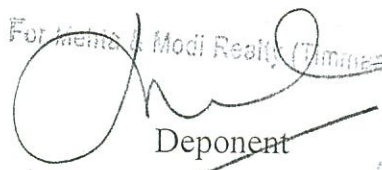
Sworn and signed before me on this
the 19th day of February 2024 at Hyderabad.


Deponent.

Advocate :: Hyderabad

VERIFICATION

I, Soham Modi, S/o. Late Satish Modi, aged about 52 Years, Occ: Business, R/o. 5-4-187/3&4, Soham Mansion, M.G. Road, Secunderabad-500 003, being the Managing Partner of the petitioner firm herein do hereby declare that the contents of the above paragraphs are true and correct to the best of knowledge, information and belief and hence verified on this the 19th day of February 2024 at Hyderabad.


Deponent

Counsel for petitioner

