

SR. 1581/15

IN THE COURT OF THE

METROPOLITAN MAGISTRATE: R. R. DISTRICT
AT: MEDCHAL

C. C. No.

OF 2015

Between:

1. Green Wood Builders,
Rep by its Partner Mr. Soham Modi S/o. Sri Satish Modi,
Aged 46 years.
2. Green Wood Lake Side (Hyderabad) LLP,
Rep by its Partner Mr. Soham Modi S/o. Sri Satish Modi,
Aged 46 years,
Both the complainants are rep by authorised signatory,
L. Ramacharyulu.

Both having its office at 5-4-187/3 & 4, Soham Manson,
M.G.Road, Secunderabad.

...Complainant

AND

1. L. Rajeshwar Rao s/o. L. Anand Rao, aged 47years.
2. L. Santosh Rao s/o. L. Rajeshwar Rao, aged 23 years,
Both r/o. Flat No. D2, Second Floor,
Susheel Residency, Road No.11,
West Marredpally, Secunderabad – 26.
3. D. Sridhar s/o. D. Prakash, aged 38 years
R/o. 6-31, Gandhi Nagar, Siddipet,
Medak District,
4. K. V. Pavan Kumar s/o. Sanjeeva Rao, aged 41 years,
R/o. 11-1-329, Red hills, Hyderabad.
5. Smt. M. Renuka w/o. M. Ramgopal, aged 46 years,
6. M. Ramgopal s/o. M. Nala Kishtam, aged 54 years
Both R/o. H.No. 1-4-190, Balaji Nagar, Jagityal,
Karimnagar District, Telangana.
7. M. Krishna s/o. M. Ramasham, aged 51 years
R/o. H.No. 1-4-181, Balaji Nagar, Jagityal,
Karimnagar District, Telangana.
8. Ritesh Kumar s/o. Deena Diyal, aged 31 years
R/o. H.No. 5-9-22/92, Adarsh Nagar,
Hyderabad – 500 063.
9. A. Chenakesh s/o. Late Sri A Vinod Kumar, aged 31yrs,
R/o. Plot No. 6, Asbestors Colony, Karkhana,
Secunderabad – 500 009.
10. Smt. G. Damayanthi w/o. Vaman, aged 54yrs,
R/o. 1-4-242, Jawhar Road, Jagityal,
Karimnagar, Telangana.

...Accused

**COMPLAINT FILED UNDER SECTION 200 OF Cr.P.C. READ WITH SECTION
420, 403, 406, 120B, OF INDIAN PENAL CODE**

1. Name and description
of the complainant's :
 1. Green Wood Builders,
Rep by its Partner Mr. Soham Modi
S/o. Sri Satish Modi, Aged 46 years.
 2. Green Wood Lake Side
(Hyderabad) LLP,
Rep by its Partner Mr. Soham Modi
S/o. Sri Satish Modi,
Aged 46 years,
Both the complainants are rep by
authorised signatory,
L. Ramacharyulu.

Both having its office at 5-4-187/ 3
& 4, Soham Manson, M.G.Road,
Secunderabad.
2. Name and Description
of the accused :
 1. L. Rajeshwar Rao s/o. L. Anand
Rao, aged 47years.
 2. L. Santosh Rao s/o. L. Rajeshwar
Rao, aged 23 years,
Both r/o. Flat No. D2, Second Floor,
Susheel Residency, Road No.11,
West Marredpally, Secunderabad-26.
 3. D. Sridhar s/o. D. Prakash, aged 38
years, R/o. 6-31, Gandhi Nagar,
Siddipet, Medak District,
 4. K. V. Pavan Kumar s/o. Sanjeeva
Rao, aged 41 years, R/o. 11-1-329,
Red hills, Hyderabad.
 5. Smt. M. Renuka w/o. M. Ramgopal,
aged 46 years,
 6. M. Ramgopal s/o. M. Nala Kishtam,
aged 54 years, Both R/o. H.No. 1-4-
190, Balaji Nagar, Jagityal,
Karimnagar District, Telangana.
 7. M. Krishna s/o. M. Ramasham,
aged 51 years, R/o. H.No. 1-4-181,
Balaji Nagar, Jagityal,
Karimnagar District, Telangana.
 8. Ritesh Kumar s/o. Deena Diyal,
aged 31 years, R/o. H.No. 5-9-
22/92, Adarsh Nagar, Hyderabad -
500 063.

9. A. Chenakesh s/o. Late Sri A Vinod Kumar, aged 31yrs, R/o. Plot No. 6, Asbestors Colony, Karkhana, Secunderabad – 500 009.
10. Smt. G. Damayanthi w/o. Vaman, aged 54yrs, R/o. 1-4-242, Jawhar Road, Jagityal, Karimnagar, Telangana.

3. Nature of Offence : U/Sec 420, 403,406,120B,_OF I.P.C
4. Dates of Offence :
5. Jurisdiction of P.S. :
6. List of Witnesses :
 - 1) The Complainant's
 - 2)
 - 3)
 - 4)

7. **FACTS OF THE CASE:**

1. The Complainants are Builders and Developers of housing projects in and around twin cities. The Accused are owners and possessors of various extents of land in survey no. 49, Yapral Village, Malakajgiri Mandal, R.R. District totally admesuring 5 acres 30 guntas.

2. The Complainant submit that they were approached by the Accused for developing the land and construction of Flats, as the Complainants were in the business of development of Flats, Villas and bungalows in and around twin cites. Keeping in view the expertise of the Complainants the Accused agreed to give their land situated at yapral village for development and construction of flats.

3. The Complainant No.1 and the Accused entered into an MOU dated 23.05.2013 for the development to land admeasuring 5 Acers 30 guntas in Survey No.49 situated at Yapral (V), Malakajgiri (M) R.R.District and for

construction of residential Housing Project consisting of Apartments/Flats along with common ammenities like Club House, Roads, Drains, Water & Electricity Supply, Land Scaping, Gates, Children's park, Compound Wall, Sports & Recreational facilities in the said land.

4. The Complainants submit that the said MOU was also containing various other clauses & conditions to be fulfilled by the Accused as owners and by the Complainants as developers. Subsequently by a supplementary MOU dated 17.09.2014 the benefit under the earlier MOU was transferred in favour of the Complainant No.2.

5. The Complainants have so far paid the Accused a sum of Rs. 90, 50,000/- as security deposit from time to time. The said security deposit is refundable by the Accused to the Complainants, after completion of the project and handing over the share of the Accused in the built up area. The Accused failed to keep their part of contract as per MOU. The Complainants have spent huge amounts for preparing plans and submitting the same to the concerned authorities for sanction and other preparatory work for commencing the project. In this regard the Complainants have incurred an expenditure amounting to Rs. 23,43,908/- towards establishment of adminstration and construction. Inspite of such huge investments and every effort on the Complainants part, the project has not been able to take off due to ommissions and latches on the part of the Accused.

6. The Complainant submit that the Accused are aware that adjacent to the property given for development there is a huge extent of land belonging to the Defence Ministry, GOI. Inview of the same a No Objection Certificate has to be obtained from the Army Authorities namely Quarter Master General, Andhra Sub Area Bollaram. This has to be obtained by an application made in this behalf by the Accused as owners of the land. Unfortunately inspite of several requests by the Complainant's representative the Accused have not

taken any necessary steps to apply and obtain the NOC for commencing the project. The Complainants are not able to commence the construction because of the objections by the Army authorities due to lack of NOC. This is a clear default on the part of Accused.

7. The Accused had failed to deposit the conversion fee (Agriculture land to Non Agriculture land) which is the subject matter of the agreement. Some of the legal representatives of the necessary parties who appear to be NRIs have refused to co-operate in signing the documents. The Accused have not cooperated in initiating the process of survey to be done by the MRO for obtaining the sanction.

8. The Complainant have been misled by the Accused regarding the clearances to be obtained by them and the Complainant had launched the project under the impression that the Accused would be taking care of their part of the contract as per the MOU. The Accused have obtained money from the Complainants on false promises and are guilty of cheating. The Complainants got issued a notice on 15.06.2015 through their counsel but the accused did not reply.

8. CAUSE OF ACTION:

The cause of action for the suit arose on 23.05.2013 the date on which the Defendants and the Plaintiffs have entered into MOU and on 17.09.2014 the date on which the supplementary MOU was entered upon by the Plaintiffs and the Defendants and on 15.06.2015 when the notice was given to the Defendants through the Plaintiffs counsel and on all such dates when the terms and conditions of the MOU are not fulfilled by the Defendants.

9. PRAYER:

It is, therefore, prayed that this Hon'ble Court may be pleased to refer the complaint to the Jawahar Nagar Police Station for investigation and filing of the

chargesheet against the accused or in the alternative under section 156(3) of Cr.P.C. this Hon'ble Court may be pleased to take cognisance of the offence and issue summons to the accused

Counsel for Complainant

Complainants

VERIFICATION

I, L. Ramacharyulu S/o. L. Raghavender Rao aged 46years, R/o. Secunderabad, do hereby solemnly affirm and state an oath as follows, do hereby state that the facts mentioned above is true and correct to the best of knowledge and belief. Hence verified.

Hyderabad
Date:

Complainant

LIST OF DOCUMENTS

Sl. No.	Date	Description of Document
1.	23.05.2013	MOU Copy
2.	17.09.2014	Supplementary MOU Copy
3.	15.06.2015	Office copy of notice
4.		Statement of expenditure of the Complainant for the period 01.03.2014 to 31.05.2015.

Hyderabad
Date:

Complainant