

BEFORE THE ADJUDICATING OFFICER TELANGANA
STATE REAL ESTATE REGULATORY AUTHORITY, DTCP
BUILDING, GROUND FLOOR, 640, AC GUARDS, MASAB
TANK, OPP PTI BUILDING AT: HYDERABAD

C.C.P.No.05/2024/TG RERA

Between:

Smt Chiruvolu Naga Brunda
W/o C.Ravi Shanker
R/o H.No.1.8.22/71/202,
SV Nivas Kapra Malkajgiri

..Complainant

And

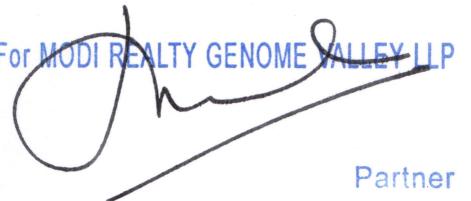
M/s Modi Realty Genome Valley LLP
Rep by its Partner Mr.Soham Modi
R/o 5-4-187, MG Road Secunderabad

..Respondent

WRITTEN ARGUMENTS FILED ON BEHALF OF THE
RESPONDENT

1. It is submitted that the complainant filed the complaint with false and frivolous allegations as such the complaint is liable to be dismissed.
2. It is submitted that the Respondents is a reputed developer and having 30 + years of experience in the construction of houses and flats in and around twin cities of Hyderabad and Secunderabad.
3. It is submitted that the Respondent after receiving the notice from your Hon'ble Tribunal, has appeared through its counsel and filed the written submissions/counter along with all supporting documents for the kind adjudication of the case.

For MODI REALTY GENOME VALLEY LLP



Partner

4. It is submitted that the complainant in the present case is claiming compensation, relying her case by referring clause 11.1 of Agreement of Sale which itself is crystal clear and the complainant herself has not complied with it.
5. It is submitted that the complainant not made the payment of installments in time copy of receipts clearly shows that 2 installments were due for over a period of 6 months. Several reminders and notices were sent to the complainant requesting to clear the dues even after receiving the notice the complainant failed to make the payment and finally the Respondent sent the cancellation notice dated 04.03.2022 to the complainant by registered post. Moreover the last installment was paid by the complainant in the month of March-2024 which the complainant herself admitted in her complaint, than where is the question of claiming compensation do arise. It is crystal clear that the delay is caused from the part of the complainant. The complainant failed to make the payment of installments in time and as per the terms the Respondent can charge interest on delay payments, which was also not claimed by the Respondent and the same is waived off.
6. It is submitted that due to Covid-19 pandemic the availability of men and material was affected for a period of 2 years, nation-wide lockdown has led to the halting of ongoing real estate projects around the country. Keeping in view of it several authorities has issued orders/memo declaring the current pandemic as a Force Majeure event for the purposes of Real Estate (Regulation and Development) Act 2016 (RERA) and extended the timelines for registration and completion of real estate projects.

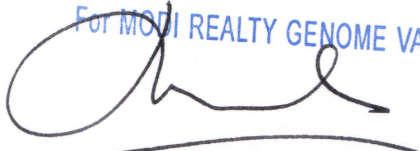
For MODI REALTY GENOME VALLEY LLP

Partner

7. It is submitted that due to such critical situation several mid level developers winded up their businesses, many reputed developers like Sahiti Infratech Ventures, JSR Group, Parijatha Developers, etc defrauded to their customers. But this Respondent by keeping up the trust of its customers has taken up the project and diligently completed it.
8. It is submitted that the Respondent has submitted all point wise explanations for the complaint in its counter and also filed all supporting documents.
9. It is submitted that the Respondent has complied all its contractual obligations. The complaint is filed on all baseless allegations against the Respondent and the complainant approached this Tribunal with unclean hands with an intention to gain unlawfully and also to harass this Respondent.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the complaint and pass such other order or order's as this Hon'ble Tribunal may deems fit and proper in the interest of justice.

Date: 28.08.2024
Place: Hyderabad


FOR MOVI REALTY GENOME VALLEY LLP
Partner

Respondent


Counsel for Respondent

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WRITTEN ARGUMENTS
FILED ON BEHALF OF
THE RESPONDENT

Filed on : 28.08.2024

Filed by : Counsel for
Respondent

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