

o/c

FORM 'L'
See Rule 29(2)

APPEAL TO RERA APPELLATE TRIBUNAL

For Use of Regulatory Authority (s) Office

Date of (Receipt at the filing, counter of the Registry/receipt by post/online filing) : Filed on 09.01.2025

Complaint No. CC.No.63/2024

Signature: _____

Registrar: _____



BEFORE THE TELANGANA REAL ESTATE APPELLATE TRIBUNAL
AT: HYDERABAD

Between:

M/s Mehta & Modi Realty Kowkoor LLP

...Appellant/1st Respondent

And

1.Mr Prasenjit Das.

.. Respondent/Complainant

2.Mr Suraj Prakash Pandey.

...Respondent/2nd Respondent

1. Particulars of the Appellants:

Name of the Appellant: M/s Mehta & Modi Realty Kowkoor LLP

- Address of the existing office address of the appellant: 5-4-187/3& 4, MG Road, Soham Mansion, II nd Floor, Secunderabad.
- Address for services of all notices: Same as above
- Details of allottees apartment plot or building
- Contact details phone no. Email: 9985338487, 9440482681
lateef@modiproperties.com
Mannehabu@gamil.com

For Mehta & Modi Realty Kowkur LLP

Designated Partner

2

2. Particulars of the Respondent:

I Respondent No.1

i. Name of the Respondent/Complainant: Prasenjit Das

Address of the existing office/Residence address of the Complainant/Respondent: Flat No-506, Block-B
Greenwood Heights, Hislop Road, Near ARK Majestic
Kowkooor, Bolaram, Dist: Medchal-Malkajgiri
Hyderabad-500010.
Mobile No- 9940045055

ii. Email- prasenjitdas31@gmail.com

iii. Address for services of all notices: same as above

iv. Details of allottees apartment plot or building of:

v. Contact details phone no. Email:

II Respondent No.2.

i.Name of the Respondent/Respondent: Suraj Prakash Pandey

ii.Address of the existing office/Residence address of the Complainant/Respondent: Flat No-706, Block-B,
Greenwood Heights, Hislop Road, Near ARK Majestic
Kowkooor, Bolaram, Dist: Medchal-Malkajgiri
Hyderabad-500010.

iii.Address for services of all notices: same as above

vi. Details of allottees apartment plot or building of:

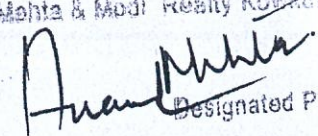
Contact details phone no. Email

3. Jurisdiction of the Authority:

The Appellant declares that the subject matter of the appeal filed by the appellant falls within the jurisdiction of the authority. As the impugned order dated 28-08-2024 in complaint No. 63 of 2024 was on the file of the Telangana Real Estate Regulatory Authority.

4. Limitation:

The Appellant declares that the appeal is filed within the limitation period as specified in sub section (2) of the section 44 of the Act. As the impugned order dated 28-08-2024 in complaint No. 63 of 2024 received the certified order by the appellant on 23.12.2024 from the Telangana Real Estate Regulatory Authority.

For Mehta & Modi Realty Kowkooor

Designated Partner

5. Facts of the case:

a) It is submitted that the Complaint is filed by the Respondent/Complainant before the Adjudicating officer of TGRERA Under Form 'M' seeking relief action against the appellant and 2nd respondent for removal of pipe line (drainage line) that traverses the 1st respondent – complainant's Balcony, in his flat 506, 5th floor, in B Block, 'Greenwood Heights' consists of 119 flats in A & B Blocks in Sy.No.119, Hislop road, Kowkur, Alwal Mandal, Medchal Malkajigiri District, Secunderabad – 500010. The respondent – complainant entered an agreement of purchase on 11-11-2019 for which sale deed was executed on 09-12-2022 and the possession was given on 25-02-2022. *(Copy of Complaint is enclosed as Annexure No.1 under the List of documents).*

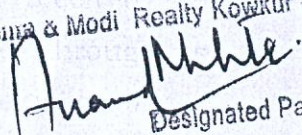
5. Facts of the case:

b) It is submitted that the Appellant/Respondent received the notice from the Tribunal and defended the matter through its counsel and filed a counter/ written version *(Copy of written version is enclosed as Annexure No.2 under the List of Documents).* The 2nd respondent herein as well as in the main complaint was exparte.

c) Thereafter the trial was conducted and documents filed by both the parties were marked as exhibits. The Authority passed the impugned order dated 28-08-2024 in complaint No. 63 of 2024 without properly considering the pleadings, evidence and law resulting in unjust and unsustainable order on the following

(under the List of documents).

b) It is submitted that the Appellant/Respondent received the notice from the Tribunal and defended the matter through its counsel and filed a counter/ written version *(Copy of written version is enclosed as Annexure No.2 under the List of Documents).* The 2nd respondent herein as well as in the main complaint was exparte.

For Mena & Modi Realty Kowkur LLP

 Designated Partner

c) Thereafter the trial was conducted and documents filed by both the parties were marked as exhibits. The Authority passed the impugned order dated 28-08-2024 in complaint No. 63 of 2024 without properly considering the pleadings, evidence and law

Barren, as such the same is liable to be set aside. (u)

3. The impugned order is non-est in the eye of law as it is lacking

jurisdiction/quorum as such the same is liable to be set aside.

4. The impugned order without considering the fact, the date of

purchase of the flat by the 1st respondent - petitioner the alleged

pipe line was exists, as such after there verification of the flat, he

Grounds of Appeal:

1. The impugned order under passed by the authority is contrary to law, evidence and material on record and probabilities of the case.
2. The impugned order is not as per the Act and Rules thereunder, which prescribed passing of the orders by the Authority composing
3. The impugned order beyond pleadings and relief of the 1st Bench, as such the same is liable to be set aside.
4. The impugned order is non-est in the eye of law as it is lacking jurisdiction/quorum as such the same is liable to be set-aside.
5. The impugned order without considering the fact, the date of purchase of the flat by the 1st respondent - petitioner the alleged pipe line was exists, as such after there verification of the flat, he purchased the same as such the 1st respondent - complainant cannot say that the sale of the flat by the appellant - 1st respondent is not in according to the laws as such the impugned order is liable to be set-aside.
6. The impugned order beyond pleadings and relief of the 1st respondent - complainant as such the same is liable to be set-aside.
7. The impugned order is without properly considering the evidence available to it resulting in an unsustainable order and the same is liable to be set aside.
8. The impugned order is beyond the evidence of the parties and there is no contravention of any of plan and law as such the impugned order is liable to be set-aside.

For Mehra & Modi Realty Kowkur LLP
Anand Mehra
Designated Partner

8. The impugned order is beyond the relief and law as such the same is liable to be set-aside.
9. The impugned order is contrary to the fact that there is no contravention of the plan and permission and the alleged pipe line existed when the 1st respondent purchased the flat as such the same is liable to set-aside.
10. The authority though noted that the removal of alleged pipeline during the pendency of the complaint as such imposing of the fine is unjust and unsustainable and is liable to be set-aside.
11. The appellant will represent and urge all the other points at the time of hearing the appeal.

Relief Sought:

In the facts and circumstances of the case it is therefore prayed that this Hon'ble Appellate Tribunal may be pleased to allow the appeal filed by the Appellant and set aside the impugned order 28-08-2024 in complaint No. 63 of 2024 by the Adjudicating Tribunal of TGRERA and stay all further proceedings pending disposal of this appeal and pass such other order or order's as this Hon'ble Appellate Tribunal deems fit and proper in the circumstances of the case and in the interest of justice.

Interim order prayed for:

To stay the impugned order dated 28-08-2024 in complaint No. 63 of 2024 passed by the Adjudicating Tribunal of TGRERA till the disposal of this present appeal.

Relief Sought:

In the facts and circumstances of the case it is therefore prayed that this Hon'ble Appellate Tribunal may be pleased to allow the appeal filed by the Appellant and set aside the impugned order 28-08-2024 in complaint No. 63 of 2024 by the Adjudicating Tribunal of TGRERA and stay all further proceedings pending disposal of this appeal and pass such other order or order's as this Hon'ble Appellate Tribunal deems fit and proper in the circumstances of the case and in the interest of justice.

For Menia & Modi Realty Kowkur LLP
Anand Modi
Designated Partner

Name of the Bank : YES Bank
Amount : Rs. 2,94,455 paid
Demand Draft No : "266372"
Demand Draft date : 09.01.2025

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Date: 10.01.2025
Place: Hyderabad

Appellant/Respondent

Declaration: The Appellant/Respondent state that it has not approached and filed any case before any court of law for this similar relief against the Respondent/Complainant.

Particulars of Demand Draft:

Name of the Bank : YES Bank
Amount : Rs.2,94,455 paid
Demand Draft No : "266372"
Demand Draft date : 09.01.2025

Date: 16.01.2025
Place: Hyderabad

For Menta & Modi Realty Kowkur LLP
Anand White
Designated Partner

Appellant/Respondent

[Signature]
COUNSEL FOR APPELLANT/RESPONDENT

List of Documents

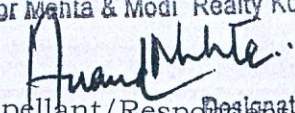
Sl.No	Description of document	Page No's
1.	Appeal under Form 'L' AND STAY PENDING	1-12
2.	Vakalat with welfare stamp and Rs.2 Court Fee	13-14
3.	Copy of Complaint filed at TGRERA under Form 'M' (Annexure No.1)	15-22
4.	Copy of Written Version/Counter filed at TGRERA (Annexure No.2)	23-26
5.	Original impugned order dated 28-08-2024 in complaint No. 63 of 2024 passed by the authority.	27-36
6.	Sale Deed Doc. No. 8765/2022	74
7.	Demand Draft No. 266372	75
8.	Representation letter dt: 12/11/24 & 20/12/24	76-77
9.	Demand draft No. 266387 dt: 16/1/25	78
10.		

For Menta & Modi Realty Kowkur LLP
Anand White
Designated Partner

VERIFICATION

I Anand Mehta S/o Suresh Mehta aged about 45 years, R/o 5-4-187/3 & 4, II Floor, Soham Mansion, MG Road, Secunderabad-500003, partner of the Appellant/Respondent Firm do hereby declare that the facts set out in the above paragraphs are true and correct to the best of my knowledge, belief and information, Hence, verified on this the day of January 2025 at Hyderabad.

Date: 16.01.2025
Place: Hyderabad

For Mehta & Modi Realty Kowkur LLP

Appellant/Respondent Designated Partner



COUNSEL FOR APPELLANT/RESPONDENT

I Anand Mehta S/o Suresh Mehta aged about 45 years, R/o 5-4-187/3 & 4, II Floor, Soham Mansion, MG Road, Secunderabad-500003, partner of the Appellant/Respondent Firm do hereby declare that the facts set out in the above paragraphs are true and correct to the best of my knowledge, belief and information, Hence, verified on this the day of January 2025 at Hyderabad.

Date: 16.01.2025
Place: Hyderabad


Appellant/Respondent Designated Partner



COUNSEL FOR APPELLANT/RESPONDENT

Between:

M/s Mehta & Modi Realty

Kowkooor LLP

...Appellant

And

Prasenjit Das and another

..Respondents

BEFORE THE RERA
APPELLATE TRIBUNAL
AT: HYDERABAD

...No. of 2025

Against
the Order in
C.C.No.63/2024

Between:

M/s Mehta & Modi Realty
Kowkooor LLP

...Appellant

And

Prasenjit Das and another

..Respondents

APPEAL FILED U/S 44 OF RERA

Filed on : 16.01.2025

Filed by : Counsel for
Appellant

Address for Service:

**MANNE HARI BABU
M.A.Lateef**

Advocates

Flat No.401,MIGH 61 &62,
Bhavay's Aditya Residency,
Housing Board Colony,
Mehdipatnam,
Hyderabad-28
9440482681

BEFORE THE RERA APPELLATE TRIBUNAL
AT: HYDERABAD

IA.NO. _____ OF 2025

IN

TA.No. _____ of 2025

Against

the Order in C.C.No.63/2024

Between:

M/s Mehta & Modi Realty Kowkooor LLP

Petitioner
...Appellant

And

Prasenjit Das and another

..Respondents

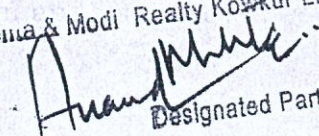
AFFIDAVIT

I Anand Mehta S/o. Suresh Mehta Aged about 45 years, Occ:
Business, R/o 5-4-187/3 and 4, II Floor, Soham Mansion, M.G. Road,
Secunderabad, Telangana - 500 003 do hereby solemnly affirm and
state on oath as follows:

I submit that I am the Partner of the Appellant Firm and as such well
acquainted with the facts of the case.

I submit that the Complaint is filed by the Respondent/Complainant
before the Adjudicating officer of TGRERA Under Form 'M' Claiming
removal of the pipe line, which was made and the same is not
contravention of the plan etc. but impugned penalty was imposed
under the impugned order. Pending disposal of the appeal, if any
further action taken in pursuance to the impugned order, then we will
be put to irreparable loss and injury. Therefore it is just and
necessary to grant stay of all further proceeding in pursuance to the
impugned order dated 28-08-2024 in complaint No. 63 of 2024 passed
by the Adjudicating Tribunal of TGRERA till the disposal of this
present appeal.

I submit that I am the Partner of the Appellant Firm
acquainted with the facts of the case.

For Mehta & Modi Realty Kowkooor LLP

Designated Partner

I submit that the Complaint is filed by the Respondent/Complainant
before the Adjudicating officer of TGRERA Under Form 'M' Claiming
removal of the pipe line, which was made and the same is not
contravention of the plan etc. but impugned penalty was imposed
under the impugned order. Pending disposal of the appeal, if any
further action taken in pursuance to the impugned order, then we will
be put to irreparable loss and injury. Therefore it is just and
necessary to grant stay of all further proceeding in pursuance to the
impugned order dated 28-08-2024 in complaint No. 63 of 2024 passed
by the Adjudicating Tribunal of TGRERA till the disposal of this
present appeal.

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I submit that this Hon'ble Tribunal may be pleased to stay all further proceedings in order dated 28-08-2024 in complaint No. 63 of 2024 passed by the Adjudicating Tribunal of TGRERA till the disposal of this present appeal.

Date: 16.01.2025
Place: Hyderabad

Wajid
Advocate/Hyderabad

For meena & Modi Realty Kowkur LLP
Meena & Modi
Designated Partner
Deponent

BEFORE THE RERA APPELLATE TRIBUNAL

AT: HYDERABAD

IA.NO. _____ OF 2025

IN

TA.No. _____ of 2025

Against the Order in C.C.No.63/2024

Between:

M/s Mehta & Modi Realty Kowkooor LLP

Rep by its Partner Mr.Anand Mehta

S/o Sri Suresh Mehta, R/o 5-4-187/3 and 4,

II Floor, Soham Mansion, M.G. Road,

Secunderabad.

.. Petitioner Appellant

And

1. Prasenjit Das

Flat No-506, Block-B

Greenwood Heights

Hislop Road, Near ARK Majestic

Kowkooor, Bolaram

Dist: Medchai-Malkajgiri

Hyderabad-500010.

2. Suraj Prakash Pandey

Flat No-706, Block-B

Greenwood Heights

Hislop Road, Near ARK Majestic

Kowkooor, Bolaram

Dist: Medchai-Malkajgiri

Hyderabad-500010.

..Respondents

M/s Mehta & Modi Realty Kowkooor LLP

Rep by its Partner Mr.Anand Mehta

S/o Sri Suresh Mehta, R/o 5-4-187/3 and 4,

II Floor, Soham Mansion, M.G. Road,

Secunderabad.

STAY PETITION FILED UNDER SECTION 151 OF CPC

For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble court may be please to stay all further proceedings in order dated 28-08-2024 in complaint No. 63 of 2024 passed by the Adjudicating Tribunal of TGRERA till the disposal of this present appeal and pass such other order or orders as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

Date: 16.01.2025

Place: Hyderabad


Counsel for Appellant

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C.C.No.63/2024

M/s Mehta & Modi Realty
Kowkoo LLP

Prasenjit Das and another

BEFORE THE RERA
APPELLATE TRIBUNAL
AT: HYDERABAD
IA.No.____ of 2025
IN

TA.No.____ of 2025
Against
the Order in
C.C.No.63/2024

Between:

M/s Mehta & Modi Realty
Kowkoo LLP

...Appellant

And

Prasenjit Das and another

...Respondents

STAY PETITION FILED
U/S 151 OF CPC

Filed on : 16.01.2025

Filed by :
Counsel for Appellant

Address for Service:

MANNE HARI BABU
M.A.Lateef
Advocates
Flat No.401,MIGH 61 &62,
Bhavay's Aditya Residency,
Housing Board Colony,
Mehdipatnam,
Hyderabad-28
9440482681

BEFORE THE RERA APPELLATE TRIBUNAL
AT: HYDERABAD

_____No._____ of 2025
Against
the Order in C.C.No.63/2024

Between:

M/s Mehta & Modi Realty Kowkooor LLP

...Appellant

And

Prasenjit Das and another

..Respondents

V A K A L A T N A M A

I,/We M/s Mehta & Modi Realty Kowkooor LLP the Appellant in the above case do hereby appoint and retain.

MANNE HARI HABU & M.A.LATEEF
Advocates

Advocate/s to appear for it/us in the above Complaint/Suit/Appeal/Petition/Case/proceedings and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/We empower my/our Advocate/s to appear in all miscellaneous proceedings in the above complaint/suit or matter till all decrees or order are fully satisfied, or adjusted, to compromise and obtain the return of documents and draw any money that might be payable to me/us in the said suit or matter and I/We do further empower my/our Advocate/s to accept on my/our behalf service of notice of all or any appeal or petition filed in any court or appeal Reference or Revision with regard to the said suit or matter before disposal of the same in Honourable Court/Tribunal.

Prasenjit Das and another

For Mehta & Modi Realty Kowkooor LLP

Designated Partner

Certified that the executant's who is well acquainted in English appeared to have perfectly to understood the same and signed in my presence on this the day of _____ day of August 2021, at Hyderabad .

Identified by Sri. M.A.LATEEF
Executed on: 16.01.2025

Wajid

ADVOCATE -

14

Perween:

M/s Mehta & Modi Realty
Kowkoo LLP

Appellant

And

Prasenjit Das and another

BEFORE THE RERA
APPELLATE TRIBUNAL

AT: HYDERABAD

IA.No. ___ of 2025

IN

TA.No. ___ of 2025

Against

the Order in

C.C.No.63/2024

Between:

M/s Mehta & Modi Realty
Kowkoo LLP

...Appellant

And

Prasenjit Das and another

...Respondents

Flat No.401, MIGH 61 &62,
Bhavay's Aditya Residency,
Housing Board Colony,

**VAKALAT
ACCEPTED**

Filed on : 16.01.2025

Filed by : Counsel for Appellant

Address for Service:

**MANNE HARI BABU
M.A.Lateef**

Advocates

Flat No.401, MIGH 61 &62,
Bhavay's Aditya Residency,
Housing Board Colony,
Mehdipatnam,
Hyderabad-28
9440482681