IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT : HYDERABAD

IA NO….. OF 2025

IN

C.R.P. NO…….OF 2025

Between :

GSG BUILDERS & INFRASTRUCTURE LIMITED

A company registered under Companies Act, 2013,

Having its office at GS Plaza, Plot No.4, H. NO. 8-2-672,

Road NO.1, Banjara Hills, Hyderabad – 500 034

Represented by its Authorised Signatory, Mr. Manoj Sharma

…. Petitioner / Respondent / Defendant

And

Reliance Projects & Property Management Services Limited

A company registered under Companies Act, 2013

Having its Registered Office at Office – 101, Saffron,

Near Centre Point, Panchwati 5 Rasta, Ambawadi

AHMEDABAD – 380 006, Gujarat State

Regional Office at : Meenakshi Tech Park, G + 7 Floors,

Block A, SurveyNo.38 & 39, Gachibowli,

Hyderabad – 500 032, Telangana

Represented by its Authorised Signatory, Shaikh Fahad,

Assistant Vice President

… Respondent / Petitioner / Plaintiff

**AFFIDAVIT**

I, Ashok Kumar Agarwal, S/o. Late Mohanlal Agarwal, aged 50 years, Occ : Service, Resident of 8-2-672, Plot No.4, 5th Floor, GS Plaza, Road No.1, Banjara Hills, Hyderabad – 500 034 do hereby solemnly affirm and state on oath as under :

1. I am the Authorised Signatory of the Petitioner herein and as such I am fully conversant with the facts of the present case.
2. I submit that a lease agreement bearing No.3315 of 2021 dated 17.3.2021 was executed between the Petitioner (Lessor) and Respondent (Lessee) with such terms and conditions mentioned therein and subsequently, the Lease Deed was terminated and the possession has been handed over to the Petitioner herein.
3. I submit that the Respondent herein has filed frivolous, false and sham suit for recovery of Rs.53,16,057/- in respect of electricity bills relating to the leased premises which was to be paid by the other tenant to the Electricity Board as per the Lease Agreement. I submit that the owner of the leased premises, i.e, the Petitioner has no role to play. I submit that the Court below has passed impugned order dated 2.5.2025 in IA 598/2025 in OS /211/2025 on the file of XIV Addl. Chief Judge, City Civil Court, Hyderabad.
4. The Court below passed the Order dated 2.5.2025 under Order XXXVIII Rule 5 of Civil Procedure Code without giving any opportunity to the Petitioner herein **thereby directing / commanding the Bailiff, City Civil Court, Hyderabad to call upon the Petitioner / Defendant within 48 hours either to furnish security for a sum of Rs.53,60,057/- to produce and place at the disposal of this Court when required or the value thereof or such portion of the value as may be sufficient to satisfy any decree that may be passed against the Petitioner, or to appear and show cause why the Petitioner should not furnish security ; and you are further ordered to attach the property mentioned herein and to keep the same under safe and secure custody until further orders of this Court and you are further commanded to return this warrant on or before 9.6.2025 with an endorsement certifying the date on which and the manner in which it has been executed or the reasons why it has not been executed.**
5. I submit that as directed by the Cout below, the Petitioner herein filed objections before the Vacation Court by way of Review Petition on 14.5.2025 bearing IA No. 61/2025 in IA No. 598/2025 in OS No. 211/2025 on the file of XIV Add. Chief Judge, City Civil Court, Hyderabad. I submit that the Hon’ble Vacation Court heard the matter and without passing appropriate order or orders adjourned the matter to 5.6.2025 before the other Vacation Court for orders.
6. I submit that being aggrieved by the Order dated 2.5.2025 passed by the Court below, the Petitioner left with no other option has approached this Hon’ble Court for setting aside the impugned Order dated 2.5.2025 in IA 598/2025 praying that this Hon’ble Court may be pleased to call for records in IA/598/2025 in OS/211/2025 on the file of XIV Addl. Chief Judge, City Civil Court, Hyderabad and set aside the impugned order dated 2.5.2025 and pass such other orders or orders as the Hon’ble Court deems fit and proper in the circumstances of the case.
7. I submit that the Court below does not have the jurisdiction for the reason that the alleged dispute between the Petitioner and the Respondent has got commercial dispute as per Section 2 (1) (c )(vii) of the Commercial Courts Act, 2015 as per latest Amendment Act, 28 of 2018 to Commercial Courts Act, 2015 any cases wherein pecuniary value is more than Rupees Three Lakhs such cases are mandatorily to be filed before the jurisdictional Commercial Court and the Commercial Court shall alone have the authority to adjudicate the dispute and no other court shall have jurisdiction to entertain such commercial disputes.
8. I submit that the same plea has been taken by the Petitioner at the time of filing Review Petition objecting the Order dated 2.5.2025 passed for furnishing the security of an amount equivalent to the suit claim.
9. I submit that the Respondent has served upon the Petitioner the copies of Interlocutory Application filed under Order 38 Rule 5 read with Sec. 151 CPC along with a copy of the order in IA/598/2025 and copy of the Plaint, but has not served the documents relied upon by the Respondent in the suit bearing No. OS/211/2025.
10. I submit that the Petitioner herein has filed its counter in IA No. 598/2025 in OS/211/2025 on 24.5.2025.

Therefore, it is prayed that this Hon’ble Court may be pleased to suspend the Order dated 02.05.2025 passed by the XIV Addl. Chief Judge, City Civil Court, Hyderabad pending the present Civil Review Petition and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Hence, it is prayed that this Hon’ble Court may be pleased to call for records of IA/598/2025 in OS No.211/2025 and set aside the order dated 2.5.2025 passed in IA 598/2025 and pass such other order or orders as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.

PLACE : HYDERABAD DEPONENT

DATE : 24.05.2025

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Between :

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Block A, SurveyNo.38 & 39, Gachibowli,

Hyderabad – 500 032, Telangana

Represented by its Authorised Signatory, Shaikh Fahad,

Assistant Vice President

… Respondent / Petitioner / Plaintiff

**PETITION UNDER SECTION 115 OF CIVIL PROCDURE CODE / ARTICLE 227 OF THE CONSTITUTION OF INDIA**

For the reasons stated in the accompanying Affidavit, it is prayed that this Hon’ble may be pleased to suspend the Order dated 02.05.2025 passed by the XIV Addl. Chief Judge, City Civil Court, Hyderabad pending the present Civil Review Petition and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Place : Hyderabad COUNSEL FOR THE PETITIONER

Date : 24.5.2025