

CC No. 2845/17
29.04.2017

Present: Sh. S.S. Gupta, Id. counsel for complainant with complainant in person.

CW-01 Sh. Tarunbir Singh Kalra is examined and discharged.

Statement of complainant recorded whereby pre-summoning evidence is closed.

Arguments on summoning heard.

It is the case of the complainant that in the year 2006, he met agents of accused no. 1 at its registered office situated at Saket where he was briefed about the Unitech Cascades Project, situated in Greater Noida, UP. He was offered down payment plan for Flat No. 1803, Tower-03, Unitech Cascades for price of Rs. 39,77,836/-. He made payment against that flat from time to time. Possession of the flat in question was supposed to be given in April, 2008. As per the agreement, in case of default of handing over possession of the flat, the company was supposed to provide alternate flat or return principal amount alongwith simple interest @ 10 per cent per annum. He has already paid Rs. 54,69,636/- to his bank and is yet to pay Rs. 9 Lacs to it. Despite having received entire cost of the flat, the accused company has failed to handover possession of the flat to him till date. Accused no. 2 to 8 are Directors of accused no. 1. He has been cheated by the accused persons who had siphoned off and misappropriated the money paid by him to accused no. 1.

From the perusal of the pre-summoning evidence adduced by the complainant, a *prima facie* case for commission of offences punishable U/s 420/409/120-B/34 IPC is made out against all the eight accused persons

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and there are sufficient grounds for proceeding against them. Accordingly, all the eight accused persons be summoned on filing of PF and list of prosecution witnesses.

Re-notify on **19.05.2017**.

(Sandeep Garg)
ACMM (South),
New Delhi/29.04.2017