

IN THE HON'BLE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS PUNE AT PUNE

S.C Complaint No. /2024

Mr. Roshesh Jitendra Shah
Through its power authority
Mr. Jitendra Shah

...COMPLAINANT

VERSUS

1. EVFTech Electric Vehicle and Fuel Technology Pvt. Ltd.

Through their Director,

2. Rahul Balasaheb Gaikwad
3. Harshwardhan Sanjay Ghewade

...Accused

List of Documents

Following is the list of Documents filed by the Complainant as under:

Sr.No.	Date	Particulars	Remarks
1.	04/06/2024	Copy of two cheques issued by the Accused to the Complainant	Original
2.	05/06/2024	Copy of two Cheques return memo issued by the KOTAK MAHINDRA BANK	Original
3.	13/06/2024	Copy of two Cheques return memo issued by the KOTAK MAHINDRA BANK	Original
4.	27/06/2024	Copy of notice issued by complainant to the	Original

		Accused along with receipt etc.	
5.		Copy of Acknowledgement	Original
6.		Invoice	Original
7.		Power Of Attorney Of Jitendra shah along with Aadhar card of Both	Xerox

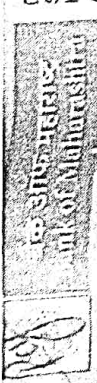
In-total 07 documents

Pune

Dt: ०१ / ०८ / 2024



Advocate for Complainant



00157 ALE
SUDHARMA COMPLEX
KALYAN NAGAR HIGHWAY ALE TEH JUNNAR
ALE 412411
IFSC Code : MAHB0000157

SESHASAI (M) / CTS - 2010

Pay अदा करें Roshesh Shah
Rupees रुपये Six Lakh Only.

A/c No.
खाता नं. 68004001709

₹ 6,00,000/-

Or Bearer
या धारक को

RAHUL BAKASAHEB GAIKWAD
रक्षक / Signaturo(s)
Please sign above

11 113159 4120140041 005371 10



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11 113160 4120140041 005371 10

To,

Date : 05-Jun-2024

ROSHESH JITENDRA SHAH
FLAT NO B 201 PARK
LANDMARK LAKE TOWN RD, NEAR STATE BANK NAGAR
PUNE - 411037
MAHARASHTRA, INDIA

Dear Customer,

Subject : Return cheque advice

We return herewith a cheque which has been dishonoured with the following information:

Account No : 2413392437
Cheque No : 113160
Amount : INR 600,000.00
Reason for Return : FUNDS INSUFFICIENT

Please feel free to contact our nearest Branch or our 24 hour Customer Contact Centre on our toll free number 18602662666 for any clarifications.

We assure you our best service at all times and look forward to a long and mutually beneficial relationship.

Yours faithfully,
For Kotak Mahindra Bank Ltd.

Authorized Signatory

To,

Date : 05-Jun-2024

ROSHESH JITENDRA SHAH
FLAT NO B 201 PARK
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Authorized Signatory

To,

Date : 13-Jun-2024

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FLAT NO B 201 PARK
LANDMARK LAKE TOWN RD, NEAR STATE BANK NAGAR
PUNE - 411037
MAHARASHTRA, INDIA

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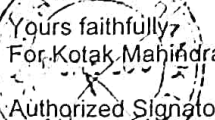
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SHIRISH P. PATIL
Advocate

Flat No. 2,
Second Floor, Malave Bhavan
Old Tophkhana, Shivaji
Nagar, Pune - 411005.
Mob. No. : 9763799826

Date : 27/06 /2024

Legal Notice
(By R.P.A.D)

To ,

1. EVFTech Electric Vehicle and Fuel Technology Pvt. Ltd.

Regi Address – 1482, white House, Tilak Road, Sadashiv Peth,
Pune, Maharashtra – 411030

E-mail – evfttech@gmail.com

CIN- U74999PN2021PTC201300

Through their Director,

2. Rahul Balasaheb Gaikwad

Address- Flat No. C-403, Shree Darshan Society,
Near Bhairavnath Temple Ambegaon Budruk Pune 411046
Mobile no- 7378548593
9309562274
DIN – 08326576

3. Harshwardhan Sanjay Ghewade

Address – Dattanagar, Near Ram nagar Police chowky,
Waraje gaon, Pune , Maharashtra – 411058
Contact No- 8446944445

DIN – 09184845

Sir,

Under the instructions and information given, documents shown by
my client Mr. Roshesh Jitendra Shah (Herein after referred to him
as my client), Residing at – Flat no, B 201, Park Landmark,
Bibwewadi, Pune 411037 , I have to sent you this legal Notice
which reads as follows –

1. That, the No. 1 of you in the present notice "EVftech Electric Vehicle and Fuel Technology Pvt. Ltd." is an Indian Company limited by shares incorporated under the provisions of Companies Act, 1956. The No. 2 and 3 are the Directors of the above mentioned company.
2. That, my client attended the opening ceremony of "EV Charging Station at Varve, Pune" in the month of January 2023. There my client and his father Mr. Jitendra Shah met you Mr. Rahul Gaikwad and Mr. Harshwardhan Ghewade in that opening ceremony. There you introduced yourself to my client as a director of Evftech Electric Vehicle and Fuel Technology Pvt. Ltd. Having office at -1482, White House, Tilak Road, Sadashiv Peth, Pune 411030, and further inform my client and his father that your company is dealing in set up of EV charging station. At that time you informed my client and his father about the good business opportunity in EV charging station business and invited my client and his father to your office.
3. That, my client along with his father visited your company's main office "EVftech Electric Vehicle and Fuel Technology Pvt. Ltd. Regd Address - 1482, White House, Tilak Road, Sadashiv Peth, Pune, Maharashtra - 411030. During the visit of my client to your office, you both of company's Directors met my client. You informed my client that you can provide EV charging set-up includes charging device, space for device, 18 months warranty of device, 1 year AMC, Tech Support with the live charging session etc

and that will be set up by you as well as inform my client about all the business calculation about how many vehicles have charged, number of units, meter reading, daily unit consumption & business revenue etc. You had explained the business module and increasing demand of EV charging stations in future. You also assured my client about the set up the charging station in the assured time schedule. My client hasn't any idea about EV charging station business and therefore he kept pending his decision regarding investment in that business.

4. Thereafter, again you had connected to my client in the month of October 2023 with the same proposal at a price (Rs. 14 Lac) and additional support of 1% for first 3 months & committed the adequate income from the station and assured my client about best returns on the invest in that business. On the information of set up project as well as assurance of business from that project, given by you both directors, my client decided to invest in your business module.
 5. That, on keeping faith on your words and assurance of good returns of money in EV charging station business, my client decided to go with the same business. On your say my client transferred time to time total amount of Rs. 12 Lac for the EV charging station set-up.
 6. That, it was assured by you but you had never given a demonstration of live session of EV charging station by giving excuses of MSEB work, Technical issues etc. and not
-

given a single business & revenue report from the inception of business. Moreover, you had not given a profit earned from business even after daily following up to 4 months. After experiencing of 4 months and from the scenario my client had understand that you were cheated with my client. That, all of you have failed to comply with the assurance given by you, regarding the completion of set up of EV charging station at site. On repeated follow up by my client regarding the completion of the set up, all of you shown your inability regarding completion of the said set up and you are decided to discontinue the said business and assured to return of Rs. 12 lakh.

7. That, you both directors accepts that the charging station couldn't run due to your inability and agreed to refund the investment amount of Rs 12 Lakh within 30-60 days from 5th Feb 2024 vide your mail dated 5th Feb 2024. But, you had not returned the amount even after 60 days i.e. due on 5th April, nothing received on the said date, you had committed my client for payment by giving next date of 15th April for settlement of full investment, but unfortunately nothing been received on 15th April 2024 as well, thereafter my client was trying to reach you everyday via phone calls & whatsapp messages till 27th April 2024 and again you had given an new dates for payment in installments i.e on 4th May 2024, 11th May & full and final payment of 18th May 2024 but not a single rupee has been received till date. My client is rigorously following up since more than 3 months. You were only given a date, another date & next date for payment however nothing been received till date.
8. That, after long follow by my client you were ready to refund my clients money by giving post dated Cheques to

my client. You Mr. Rahul Balasaheb Gaikwad had handed over the two post dated cheques of your account to my client. At that time you Mr. Rahul Gaikwad and Mr. Harshawardhan Ghewade told my client that Mr. Rahul Gaikwad is handing over the cheques of his account for the amount received by them in their company's account. You had advised my client to deposit the same in my client's bank account with assurance that the cheque will be honored on its being presented for payment. You had assured my client to maintain sufficient fund in the relevant bank account on the date of above mentioned cheques." That, accordingly you had given the below mentioned cheques for refund of my client's amount of Rs 12,00,00/- (Rs. Twelve Lakh Rupees Only) paid towards refund of amount paid by my client for EV charging station set up.

Sr. No.	Cheque No	Cheque Date	Cheque Amt.
1	113159	04/06/2024	6,00,000/-
2	113160	04/06/2024	6,00,000/-

ALL THE CHEQUES DRAWN ON BANK OF MAHARASHTRA, ALE BRANCH, TAL - JUNNAR DIST - PUNE.

Those cheque have been issued in the name of my client, "Mr. Roshesh Jitendra Shah" signed by the Mr. Rahul Balasaheb Gaikwad (Director of EVftech Electric Vehicle and Fuel Technology Pvt. Ltd.)

9. That, my client deposited the cheque to his bank's KOTAK MAHINDRA BANK LTD. Bibewadi Branch, Pune having cheque no. 113159 and Cheque No - 113160 Dated 04/06/2024 for the amount of Rs. 6,00,000/- each drawn on Bank Of Maharashtra Bank, Ale Branch, Tal - Junnar, Dist- Pune on 04/06/2024 for payment. That cheque has been returned with bank intimation dated 05/06/2024 with the reason "FUNDS INSUFFICIENT".
10. That, my client contacted you and informed about the cheques not passed. On that you requested my client to re-deposit those cheques and assured my client that you will keep sufficient balance in your bank account on that accounts cheques were issued.
11. That, my client deposited the cheque to his bank's KOTAK MAHINDRA BANK LTD. Bibewadi, Branch, Pune having cheque no. 113159 and Cheque No - 113160 Dated 04/06/2024 for the amount of Rs. 6,00,000/- each drawn on Bank Of Maharashtra Bank, ALE Branch, Tal - Junnar, Dist- Pune on 12/06/2024 for payment. Those, cheque has been returned with bank intimation dated 13/06/2024 with the reason "FUNDS INSUFFICIENT".
12. That, the above fact makes it abundantly clear that you have mischievously and intentionally issued the aforesaid cheque with ulterior motive, knowing well that the said cheque would not be honored on presentation, on account of "CHQ DEP RET-FUNDS INSUFFICIENT" and thereby cheated and defrauded my client.
13. That, the dishonor of said cheque clearly proves your intention to commit and perpetuate fraud on my client and indulged in cheating and criminal misappropriation. Besides, you have committed an offence under the provisions of Negotiable Instruments Act, 1881.

14. Please take notice under section 138 of Negotiable Instruments Act, 1881 and you are hereby called upon to make the payment of Rs.12,00,000/- (Twelve Lakh rupees only) being the amount of dishonored cheques within a period of 10 days from the date of receipt of this notice at my clients above address, failing which you will be prosecuted in the competent court of law and in that event ,you shall be liable for all the costs and consequences resulting there from. Failure of which my client shall initiate proceedings u/s 138 of N.I Act,1881 as well as criminal complaint of cheating against all of you , which you may please take serious note of it.

You are also liable to pay a sum of Rs. 10,000/- towards charges of this notice.

Pune

Dated- 27 /06/2024

Yours sincerely.


Adv. Shirish P Patil

ADV. SHIRISH P. PATIL
LL.M.
MAH/2000/2010
Shivaji Nagar, Pune.
Mobile : 9763799826

R. R. A. D.

o, Rahul Balasahel Gaikwad

Add- Flat No. C-403, Shree

Darshan Society, Near Bhaisavnath

Temple Ambegaoon Budruk

Pune 411048

Mob. No. 7378548593 /

9309562274

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(90)

Adv. Shrish P. Patil

Flat No. 2 Malave B1

Old Tophkhana, Shivaj

Pune 411005

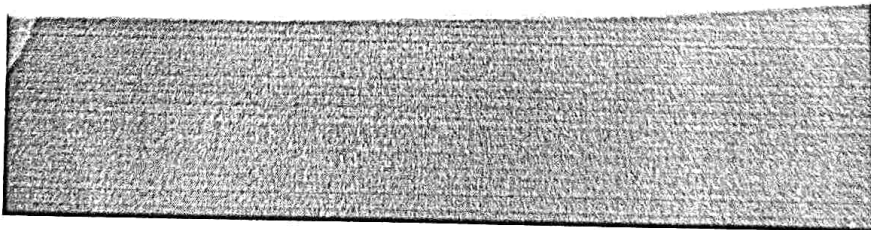
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12/1/20



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R.P.A.D.

Electric Vehicle of
Kinology Pvt. Ltd
C/S - 1482, White house,
ad, Sadashiv Peth,
Mumbai - 411 030

LIB
317/24

From,
- Adv. Shiv
Flat No. 2
Old Tofke
Pune 411
Mob. No.

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P.P.-54/आरपी-54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

भारतीय टपाल खाते
अभि स्वीकृति/ACKNOWLEDGEMENT/ अभि स्वीकृति
पत्र-पत्र/पार्सल प्राप्त हुआ।

Received Registered Letter/Parcel
कृत पत्र/पार्सल मिलाते

क्र. /No./ अ. क्र.	तारीख/ Dated/दिनांक	का/of/चा
मे का मूल्य रुपयों में Insured for Rupees	1482	सादाशिव को/on/ला
म्याची किंमत रुपयात वाले	1482	सादाशिव को/on/ला
Addressed to	Debn prime	411030
कर्ता		

डाकघर की तारीख-मोहर
stamp of office of delivery
ग पोस्ट ऑफीसचा दिनांक शिक्का

हस्ताक्षर और नाम/
Signature and Name/
सही व नाव

Website:- www.charzeblock.com

Email:- info@charzeblock.com

CONTACT:- 8539455442

INVOICE

Invoice No :- 0116

Name :- Mr. Roshesh Shaha

Date :- 05 / 11 / 2023

Address :- Flat no B-201, park landmark ,lake town road,near state bank
nagar,bibwewadi,Pune 37

Location/Hotel Name/ Highway:- Hotel kailas Bhel,Varve,Pune Bangalore Highway

Device Details :-

Sr.No Description Quantity

			Unit Price	Amount
1	60 KW Device With All Setup	1	14,00,000	14,00,000
	TOTAL	1	14,00,000	14,00,000

Payments From Host :-

1) 60 KW Device With All Setup

Included – warranty 18 months

2) 1 Year AMC from installation.

3) Application (CPO)

4) Electricity connection(subject to location and according to DISCOM norms.)

5) GST included that is 5%

6) Payment Schedule –

Amount Received
Amount Remaining
Total Amount Received

12,00,000/-
2,00,000/-
12,00,000/-

Founder,Director

EVFTECH ELECTRIC VEHICLES AND FUEL

TECHNOLOGY PVT.LTD

We declare that this invoice shows the actual price of the goods described and that all particulars are true and correct.
(T&C Apply)

Address:-Office No.11,12,13, D Wing, K. K. Market, Dhankawadi, Pune,411043
Email- info@charzeblock.com, evftech@gmail.com