

From: **Divya Hirawat** <divya.hirawat@dumeds.com>

Date: Fri, 11 Jan 2019 at 8:04 PM

Subject: RE: BCCC NMS No.102276 of 2018 in Suit No. 2245 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

To: S Maha <s.maha@tcs.com>

Cc: Fereshte Sethna <fereshte.sethna@dumeds.com>, Lalit Sawhney <lalit.sawhney@gmail.com>,

Sir,

We re-attach herewith the mail capturing fundamental points that would require to be incorporated in Mr. Gautam Mahapatra's affidavit. The same will necessarily be required to be integrated with averments to the effect that the election exercise underway for the year 2019-20/21 is spurious, and does not have his sign-off, to bring issues concerning elections to the forefront, before the Court.

The 25 October 2018 email contents are reproduced, in material part below, for ease of reference-GM to state:

(a) Mr. Gautam Mahapatra is the incumbent President of the Defendant, in terms of the clear mandate accorded by Article 4.4.1 of the Constitution of CSI, and is ready and willing to assume his functions with the end-objective of restoration of decorum and good order in the affairs of CSI

(b) Mr. Gautam Mahapatra has been inhibited in the exercise of his presidential mandate on account of the actions of Mr. Sanjay Mohapatra

(c) Illegalities in the manner of handling of bank accounts, conduct of meetings of CSI by Mr. Sanjay Mohapatra

(d) Mr. Gautam Mahapatra submits CSI to the jurisdiction of the Court with support from Article 4.10 of the Constitution (Jurisdiction is with "*courts having jurisdiction over Mumbai where the Principal Office is situated*")

(e) Cumulatively, Mr. Sanjay Mohapatra's affidavits are thus incapable of being taken cognizance of

(f) Any other relevant matter in the matter of the elections, and with a view to restoring good order in CSI

Additionally, Mr Gautam Mahapatra may file a reply to Mr. Sanjay Mohapatra's Notice of Motion, stating that the same is without *locus standi*.

Additionally, please note that SC Suit 202174/2018 a/w NOM 202586/2018 (CSI vs. Gautam Mahapatra & Ors.), before the Dindoshi Court, which was listed before Hon'ble Sh. Justice M.I Lokwani on 8 January 2019, has been adjourned to 6 February 2019, after we brought to the attention of the Court that the matter was now in seisin before the High Court and due for hearing on 5 February, after which the City Court Dindoshi would be apprised of the status of our intervention and corollary orders, if any. While Counsel for CSI (purporting to act under the instructions of Mr. Sanjay Mohapatra) claimed a right to institute a fresh motion, service was declined to be issued to the Goyal intervenors, on grounds that no such intervention had occurred in the City Court Dindoshi proceedings.

Regards,

Divya Hirawat

DMD ADVOCATES

121 - Maker Chambers IV, Nariman Point,
Mumbai - 400 021, INDIA.

From: **Divya Hirawat** <divya.hirawat@dumeds.com>

Date: Wed, 5 Sep 2018 at 10:11 PM

Subject: RE: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

To: S Maha <s.maha@tcs.com>

Cc: Fereshte Sethna <fereshte.sethna@dumeds.com> ,

Shreema Doshi <shreema.doshi@dumeds.com> ,

Madhav Anchan <madhav.anchan@tcs.com> , srinivas.subramani@tcs.com

Sudarshan Adgokar <sudarshan.adgokar@tcs.com

lalit.sawhney@gmail.com , <prrswami@gmail.com>

Sir,

This serves to confirm that we appeared for the Plaintiffs in the captioned Suit which was listed at Serial No. 18, and the captioned Notice of Motion, which was listed at Serial No. 57, both of which were called out in the afternoon session, before Court Room No.4 of the City Civil Court at Mumbai.

At the outset, the Advocate appearing for the Defendant (under instructions of Sanjay Mohapatra) submitted that the matter be adjourned to 19 November 2018 in order to enable the Defendant to file the application challenging the jurisdiction in the form acceptable before this Hon'ble Court, i.e. Notice of Motion. We vehemently opposed the request for the long adjournment and asserted that the Defendant had breached the undertakings given as recorded in the Orders of this Hon'ble Court as regards the conduct of meetings, thereby warranting the institution of contempt proceedings.

The matter was thus adjourned to 24 September 2018 which was the earliest feasible date on account of the Court being pre-occupied with certain urgent matters.

A copy of the *roznama*/ record of proceedings will be circulated, when to hand.

We confirm the receipt of various documents which we propose to discuss at a mutually convenient time before commencing drafting of the contempt proceedings.

Regards,

Divya Hirawat

DMD ADVOCATES

121 - Maker Chambers IV, Nariman Point,

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From: Lalit Sawhney [mailto:lalit.sawhney@gmail.com]

Sent: 04 September 2018 17:59

To: Divya Hirawat <divya.hirawat@dumeds.com>

Cc: Fereshte Sethna <fereshte.sethna@dumeds.com>;

Mahalingam Sethuraman <s.maha@tcs.com>; P R Rangaswami <prswami@gmail.com>

Subject: Re: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

Ms. Divya

Ref: our call with Ms. Fereshte Sethna last evening

May I request you to give me a call when you are free?

I have sent you a number of emails regarding the court hearing tomorrow, in the above case.

Regards

Lalit Sawhney

On Tue, 4 Sep 2018 at 12:21 PM, Lalit Sawhney <lalit.sawhney@gmail.com> wrote:

Ms. Divya

I will be sending you some mails giving Mr. Gautam Mahapatra's correspondence with CSI's Bankers, and details about society meetings called by Mr. Sanjay Mahapatra and the relevant proofs - to file contempt of court petitions.

Regards,

Lalit Sawhney

Tower N, Flat 202, Park Place

[Golf Course Road, Sector 54](#)

[Gurgaon 122 011, Haryana](#)

Phones: 96437 17406, (0124) 427 7406

On Mon, 3 Sep 2018, 8:36 pm Divya Hirawat, <divya.hirawat@dumeds.com> wrote:

All,

Please find below the dial-in-details for the call scheduled at 8:45 p.m.

Dial-in No.: +91-22-4356 5566

Meeting ID: 080888

Meeting Password: 1304#

Regards,

Divya Hirawat

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will not interfere with the recipients systems, and the recipient assumes all risk of use and absolves the sender of all responsibility for any consequence of its use.

From: Fereshte Sethna

Sent: 03 September 2018 19:05

To: S Maha <s.maha@tcs.com>

Cc: Divya Hirawat <divya.hirawat@dumeds.com>; lalit.sawhney@gmail.com;

Madhav Anchan <madhav.anchan@tcs.com>; prswami@gmail.com;

Shreema Doshi <shreema.doshi@dumeds.com>;

Srinivas Subramani <srinivas.subramani@tcs.com>;

Sudarshan Adgokar <sudarshan.adgokar@tcs.com>

Subject: Re: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

Dear Mr. Mahalingam,

Noted. Divya will circulate the conference bridge.

Best wishes

On 03-Sep-2018, at 2:32 PM, S Maha <s.maha@tcs.com> wrote:

Dear Ms.Sethna:

We can have the call at 8.45PM tonight.

S.Mahalingam

From: Fereshte Sethna <fereshte.sethna@dumeds.com>

To: S Maha <s.maha@tcs.com>

Cc: Divya Hirawat <divya.hirawat@dumeds.com>, "lalit.sawhney@gmail.com" Madhav Anchan <madhav.anchan@tcs.com>, "prswami@gmail.com" Shreema Doshi <shreema.doshi@dumeds.com>, Srinivas Subramani <srinivas.subramani@tcs.com>, Sudarshan Adgokar <sudarshan.adgokar@tcs.com>

Date: 09/03/2018 06:56 PM

Subject: Re: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

CAUTION: This email originated from outside the organisation. If there are any links or attachments in the mail, please do not open unless you recognize the sender and know that the content is secure.

Dear Mr. Mahalingam

Thank you for your email. While our team of lawyers is fully geared to deal with the hearing scheduled for tomorrow, including to point out that acts which tantamount to contempt of court orders warrant stern action from the Court to ensure against future disobedience, I propose we speak at 8.45 pm today, which is the earliest I will be free from my ongoing commitments in London.

I also propose that we have a meeting sometime this week or early next week, which may be attended by both Madhav and Srinivas specifically, in order to chart the way forward - I return to Mumbai tomorrow.

Best wishes,

Fereshte Sethna

On 02-Sep-2018, at 5:16 PM, S Maha <s.maha@tcs.com> wrote:

Dear

Ms.Hirawat/Ms.Sethna:, I hope you have seen my earlier mail sent on 30th August, 2018.

There are a few events that we have come to know of:

1. Sanjay Mohapatra had called a meeting of his Execom on 31st July, 2018. While no minutes have been prepared, they have reimbursed the illegally appointed Execom members for their travel. Since the Court had clearly specified that no meetings are to be held, we feel that this is a clear violation of the order.
2. Sanjay Mohapatra and his team continue to operate the Bank accounts of CSI. Gautam Mahapatra had taken up the matter with the Bank; however Gautam Mahapatra was told that the Bank has no alternate instruction from the signatories. Funds are being used to pay the lawyer for the case. Like the Court had ruled that no meeting can be held, we should argue that they should not be allowed to use the funds. Otherwise the illegal continuation gives Sanjay's group additional leverage. Sanjay Mohapatra and his team should be warned that they run the very real danger of having to return the funds that they have illegally withdrawn in the event of them losing the case.
3. Exercising the power that comes to them through their control over the bank account, Sanjay Mohapatra is running the administrative set up. The person that they have nominated as Regional Vice President Mr.P.J.Rathee is attending office of CSI. This is another example of unequal treatment.

We request your views. Since the case is coming up for hearing on 5th September, we need to have a call tomorrow evening(3rd September) so that we can finalise the strategy . I will be available between 5PM and 8PM for the call.

Regards

S.Mahalingam

From: S Maha/MUM/TCS

To: Divya Hirawat <divya.hirawat@dumeds.com>

Cc: Fereshte Sethna <fereshte.sethna@dumeds.com>, "lalit.sawhney@gmail.com" <lalit.sawhney@gmail.com>,

Madhav Anchan <madhav.anchan@tcs.com>, "prswami@gmail.com"

Shreema Doshi <shreema.doshi@dumeds.com>,

Srinivas Subramani" <srinivas.subramani@tcs.com>,

Sudarshan Adgokar <sudarshan.adgokar@tcs.com>

Date: 08/30/2018 08:45 PM

Subject: RE: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

Dear

Ms.Hirawat/Ms.Sethna:

The case will come up for hearing on 5th September 2018. Mr.Lalit Sawhney, Mr.Rangaswami and I have been discussing the approach that we could take. I am listing them below:

1. Sanjay Mohapatra's lawyer had brought up issues on locus standi and jurisdiction. I am sure these will be effectively dealt with by you on 5th.

2.We should make sure that there is no further adjournment. Therefore, on 5th September, I hope we are not only able to deal with the two issues that Sanjay Mohapatra raised, but we are also able to argue on the crux of the issue- namely that Sanjay Mohapatra, along with Prof.A.K.Nayak and Manas Pattanaik, cannot be acting for CSI. They held two sham AGMs, which was not convened as per the Constitution of CSI and where there was no quorum. The decision that they said that the General Body took to disband the Execom of CSI is plainly illegal.

3. Sanjay Mohapatra has got an interim restraint from Bombay High Court on NSDL and CSI(represented by Gautam) declaring the results. It is strange that he gets away with disbanding Execom, but he prevents them from declaring the results. I understand that the High Court has posted the matter for 25th of September. He has not brought to the notice of the High Court on the cases filed etc. How will this matter be taken up during the hearing on September 5? We will be available for a telephone call on Saturday evening(1st) or Monday evening(3rd). After a preliminary idea from you on mail, we could discuss the approach to these and any additional points on a call on 1st or 3rd.

Regards

S.Mahalingam

From: Divya Hirawat <divya.hirawat@dumeds.com>

To: S Maha <s.maha@tcs.com>

Cc: Fereshte Sethna <fereshte.sethna@dumeds.com> ,

Shreema Doshi <shreema.doshi@dumeds.com> , Madhav Anchan <madhav.anchan@tcs.com> ,

"Srinivas Subramani" <srinivas.subramani@tcs.com> ,

Sudarshan Adgokar <sudarshan.adgokar@tcs.com> ,

"lalit.sawhney@gmail.com, prswami@gmail.com"

Date: 07/30/2018 10:22 PM

Subject: RE: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

Sir,

Please be advised that the captioned matter was listed before Hon'ble Justice Smt. BV Kale, at Sr. No.25, in the afternoon session, when the Advocate purporting to appear for the Defendant (endorsed by Mr. Sanjay Mohapatra) tendered the Additional Show Cause/ Objection and the Application under Sections 9, 16 and 20 of the Code of Civil Procedure, 1908, both dated 23 July 2018, which was served upon us and circulated vide our below email.

We sought time to file our reply(ies) and requested that the ad-interim order be continued till the next date of hearing.

Accordingly, the matter was adjourned to 5 September 2018 and the statement of the Advocate of the Defendant that no meetings will be conducted was continued till the next date of hearing.

Regards,
Divya Hirawat

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From: Divya Hirawat
Sent: 27 July 2018 16:52
To: 'S Maha' <s.maha@tcs.com>; 'Srinivas Subramani' <srinivas.subramani@tcs.com>; 'Sudarshan Adgokar' <sudarshan.adgokar@tcs.com>
Cc: Fereshte Sethna <fereshte.sethna@dumeds.com>; Shreema Doshi <shreema.doshi@dumeds.com>
Subject: Re: BCCC NMS No.102276 of 2018 in Suit No. 6974 of 2018 - Rakesh Chandra Goyal & Anr. versus Computer Society of India

Sir,

With respect to the captioned proceedings, please find attached herewith, for your information and records:

1. A copy of the “Additional Show Cause/ Objection”, filed by the Defendant in the captioned proceedings *inter alia* raising objections of territorial jurisdiction and locus of the Plaintiffs.
2. A copy of the “Application under Sections 9,16 and 20 of the Code of Civil Procedure, 1908,” *inter alia* as to maintainability of the captioned proceedings before the Hon’ble Court, on account of lack of territorial jurisdiction.

Regards,
Divya Hirawat

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Regards,

Lalit Sawhney
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[Gurgaon 122 009](#),
Mobile 96437 17406