

# SHAUNAK KASHYAP

ADVOCATE, SUPREME COURT OF INDIA

To,

1. Schleicher Intec Private Limited,  
4, Factory Road,  
Safdarjung Enclave,  
New Delhi - 110029

✓ 2. Mr. Sunil Gandhi,  
s/o late Sh. Radhey Shyam Gandhi,  
R/o 93, Pocket 2  
Jasola, New Delhi - 110025

Subject: In Re Notice dated 21.11.2016 regarding litigations/cases concerning Schleicher Intec Private Limited and Mr. Sunil Gandhi.

Dear Sir,

1. I am in receipt of your notice dated 21.11.2016 in relation to case cases concerning Schleicher Intec Private Limited and Mr. Sunil Gandhi pending before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board).
2. At the outset let me state most emphatically that there is no conflict of any kind, moral or professional, and I have taken this time to seek the advise of various senior practitioners for the sake of abundant caution even though your notice is *ex-fuice* preposterous and nothing short of an attempt to browbeat the counsel appearing for customers. As customer associations

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were not and cannot be parties to the aforementioned National Company Law Tribunal proceedings, there is no question of conflict. It is unfortunate that Promoters see their interests as being adverse to that of customers, as any contention of conflict on your part subsumes in it an admission of your interests not being aligned with customer associations, which is in itself surprising.

3. It is unfortunate that despite being advised by numerous counsels led by a law firm by the name of M/s Zeus Law, you have chosen to indulge in intimidation tactics. I have been advised by various senior practitioners I consulted that M/s Zeus Law has indulged in such sharp practices before and I would like to know if you have indulged in such sharp practices on their advice, so that we are able to ascertain who is responsible for such reprehensible sharp practices which we may need to bring to the notice of the court.
4. It is a fact that I have previously represented both Schleicher Intec Private Limited and Mr. Sunil Gandhi in two matters before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board) captioned as "*Schleicher Intec Private Limited v. A.N. Buildwell Private Limited*" {Co. Pet. No. 99(ND)/2015} and "*Sunil Gandhi v. A.N. Buildwell Private Limited*" {Co. Pet. No. 119(ND)2015}. However the customer associations were never party to these proceedings and there is no question of conflict.
5. It is brought to your notice that Schleicher Intec Private Limited disengaged me from representing them from 07.01.2016 as they had

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engaged other advocates to represent them before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board), in the aforementioned matters.

6. Further, Mr. Sunil Gandhi had addressed an email dated 08.05.2016 to the Advocate on record who was briefing me being Mr. Rahul Mukherjee informing him that neither he nor I were authorized to represent them w.e.f. 09.05.2016 in the said matter. A copy of the aforementioned e mail dated 08.05.2016 is annexed here and marked as ANNEXURE-1.
7. After being informed thus, in accordance with your instructions, I have ceased to represent either Schleicher Intec Private Limited or Mr. Sunil Gandhi in either of the aforementioned matters currently pending adjudication before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board).
8. You are rightly informed that I am now representing (a) Spire Edge Allottees Association; (b) Spire Edge Block E & F Buyers Association; (c) Federation of Spire Edge Association; & (d) Spire Woods Buyers Association in C.A. No. 2615/2016 & C.A. No. 2669/2016 filed in the Co. Pet. No. 704/2014 captioned as "*Amarpreet Singh Oberoi & Ors v. A. N. Buildwell Pvt. Ltd.*" which is currently pending adjudication before the Hon'ble High Court of Delhi.
9. As you are well aware while the matters pending adjudication before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board) are Petitions under Sections 397 & 398 of the

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Companies Act, 1956, in which one group of minority shareholders of A. N. Buildwell Pvt. Ltd. has accused the majority shareholders for committing acts of for oppression and mismanagement while being in charge of management of day to day affairs of the company.

10. You are also well aware that Co. Pet. No. 704/2014 captioned as "*Amarpreet Singh Oberoi & Ors v. A. N. Buildwell Pvt. Ltd.*" is a winding up Petition instituted against the company by a group of creditors. With respect to the said matter, I am only representing the aforesaid customer associations in C.A. No. 2615/2016 & C.A. No. 2669/2016.

11. Further, none of the aforesaid customer associations being (a) Spire Edge Allottees Association; (b) Spire Edge Block E & F Buyers Association; (c) Federation of Spire Edge Association; & (d) Spire Woods Buyers Association, are parties in before the Hon'ble National Company Law Tribunal, Principal Bench (earlier Company Law Board) in either of the aforementioned matters being "*Schleicher Intec Private Limited v. A.N. Buildwell Private Limited*" {Co. Pet. No. 99(ND)/2015} and "*Sunil Gandhi v. A.N. Buildwell Private Limited*" {Co. Pet. No. 119(ND)/2015}. Also, neither Mr. Sunil Gandhi nor Schleicher Intec Private Limited are parties in C.A. No. 2615/2016 & C.A. No. 2669/2016 and as such there is no conflict of interest on my part to appear on behalf of the aforesaid associations in C.A. No. 2615/2016 & C.A. No. 2669/2016.

12. I am surprised to know that my appearance on behalf of the 4 (four associations) before the Hon'ble High Court has come as a shock to you as the said Applications being C.A. No. 2615/2016 & C.A. No. 2669/2016

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were filed as back as July 2016. Since then, the matter has come up for hearing before the Hon'ble High Court of Delhi on numerous occasions; however, you have never raised this "concern" previously. Therefore this is clearly an afterthought and nothing short of sharp practices that are not appreciated.

13. It is my stern belief that your notice dated 21.11.2016 comes as an aftermath of the events that transpired on the last occasion of hearing of the said matter before the Hon'ble High Court of Delhi on 11.11.2016 where in Hon'ble Mr. Justice Siddharth Mridul was inclined to sanction the Scheme of Arrangement proposed by the my clients i.e., (a) Spire Edge Allottees Association; (b) Spire Edge Block E & F Buyers Association; (c) Federation of Spire Edge Association; & (d) Spire Woods Buyers Association.

14. As such, it is my *bona fide* belief that the notice dated 21.11.2016 has been addressed with *mala fide* intentions to browbeat me into giving up the said matter which itself amounts to adopting pressure tactics and breaching the accepted ethical and moral code of conduct that is expected from an advocate.

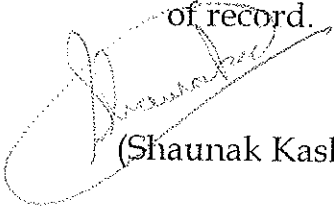
15. You are hereby advised not to address such frivolous notices to the undersigned in the future. In case you repeat the act of sending such frivolous notices to the undersigned, I will be constrained to take recourse to appropriate steps against you in accordance with law. You are advised accordingly.

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16. A copy of the present notice has been retained in my office for the purpose

of record.



(Shaunak Kashyap)

Rahul Mukherjee <rahulmukherjeensiu@gmail.com> <sup>7</sup>**CLB**

1 message

**Sunil Gandhi** <cbginvestments@gmail.com>

Sun, May 8, 2016 at 9:01 PM

To: rahul@kashyapchambers.com, rahulmukherjeensiu@gmail.com

Cc: office.jagia@gmail.com

8th May, 2016

To,

Rahul Mukherjee

Advocate,

D-298, Sarvodaya Enclave,

New Delhi-110 017.

Also having office at:

Chamber 21, Lawyers Chamber,

Supreme Court.

**Subject: 1. Sunil Gandhi Vs. A.N. Buildwell Private Limited and  
Others, C.P.No.119(ND)/2015;**

**2. Schleicher Intec Private Limited Vs. A.N. Buildwell Private Limited  
and Others, C.P.No.99(ND)/2015.**

**pending before Company Law Board, New Delhi.**

Dear Sir,

This is in reference to the above captioned matters, which are pending before the Hon'ble Company Law Board, New Delhi. The captioned matters are listed before Hon'ble Company Law Board on 09.05.2016.

I am Petitioner in first matter, titled as "Sunil Gandhi Vs. A.N. Buildwell Private Limited and Others, C.P.No.119(ND)/2015" and Respondent No.3 in the other matter, titled as "Schleicher Intec Private Limited Vs. A.N. Buildwell Private Limited and Others, C.P.No.99(ND)/2015". You were appearing on my behalf in both the above captioned matters. You are, hereby, requested not to appear on my behalf in any of the above captioned matters on/from next date, i.e. 09.05.2016. I will take care of the matters for the proceedings.

Thanks and Regards,

SUNIL GANDHI

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