

**IN THE COURT OF LD CHIEF METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW
DELHI**

Complaint Case No. of 2020

In the matter of:

Dr. Abhishek Singhvi

... Complainant

Versus

Sarosh Zaiwalla

... Accused

PS: Tilak Marg

S. NO.	PARTICULARS	PAGE NO.
1.	Memo of Parties	1
2.	Complaint under Section 200 r/w S. 190 of the Code of Criminal Procedure, 1973 against the Accused for commission of offences u/s 499/500 IPC.	2-33
3.	Annexure-A The Copy of the relevant pages Book titled "Honour Bound", written by Accused - Mr Sarosh Zaiwalla, containing defamatory allegations.	34-38
4.	Annexure-B Copy of the Photocopy of the Defamatory Article dated 23.02.2020 titled "I learnt from Bofors never to act in a case involving internal Indian politics, says Sarosh Zaiwalla", published by "The Times of India in the newspaper.	37
5.	Annexure-C The copy of the letter dated 09.03.2020 written by Sh. Vir Sanghvi to the Complainant, stating that a passage of the Book "Honor Bound", as mentioned in the letter, is completely a figment	38

	of imagination of Accused – Sarosh Zaiwalla.	
6.	Annexure-D The copy of the Legal Notice dated 02.03.2020, sent by advocate of the Complainant through email as well as by international Speed post to Accused – Sarosh Zaiwalla.	39-48
7.	Annexure-E (COLLY) The copy of the email dated 03.03.2020 from Accused – Sarosh Zaiwallain response to Complainant's Legal Notice <i>and other responses</i>	49- 58 63
8.	List of witnesses	57 64
9.	Vakalatnama.	60 65

Place: Delhi

Dated: 11.03.2020 Through


Complainant

Advocates

IN THE COURT OF LD CHIEF METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW
DELHI

Complaint Case No. of 2020

In the matter of:

Dr. Abhishek Singhvi

...

Complainant

Versus

Sarosh Zaiwalla

...

Accused

PS: Tilak Marg

COMPLAINT UNDER SECTION 200 R/W SECTION 190
OF THE CODE OF CRIMINAL PROCEDURE, 1973
AGAINST THE ACCUSED FOR COMMISSION OF
OFFENCES UNDER SECTION 499/500 IPC

Most Respectfully Showeth:

1. That the present complaint is being filed and instituted by the abovenamed Complainant for having defamed and harmed the reputation of his late father Dr L. M. Singhvi, with the intention to be hurtful to the feelings of his family and all relatives.
2. The present complaint against the Accused seeks his prosecution and conviction under Sections 499/500 of Indian Penal Code for defaming the Complainant and also defaming his late father Dr L. M. Singhvi, as above stated, by making inherently defamatory statements, which are clearly libelous on their face and have caused serious harm to the reputation of the Complainant by imputing behavior incompatible with proper conduct, along with several innuendos, aspersions and wrongful imputations and have defamed his late father Dr L. M. Singhvi

3

with the intention to be hurtful to the feelings of his family and all relatives.

3. That the Complainant, Dr. Abhishek Singhvi, is a reputed and respected member of society and a renowned lawyer across India. He is an eminent jurist, parliamentarian, visible media personality, well known columnist, author and commentator. The Complainant was designated as a Senior Advocate by the Hon'ble Supreme Court of India at the age of 34 and has also served as Additional Solicitor General at the age of 37; both these distinctions are amongst the youngest accorded in India.
4. The Complainant is one of the senior most National Spokespersons of the Indian National Congress Party and a senior and distinguished third term Member of Parliament in the Upper House.
5. In the year 1999, the Complainant was awarded the Global Leader of Tomorrow Award by the World Economic Forum, Davos. He also served as the Chairman of the Parliamentary Committee on Law and Justice, Personnel & Grievances. The Complainant is a top-ranking Senior Advocate of the nation with expertise in various fields of law including, but not limited to, constitutional, international and commercial law.

6. In this profession of Advocacy, the reputation and goodwill is the most important aspect on which the profession of the concerned Advocate is dependent.
7. The Complainant for the past many years is working honestly and with integrity for the society, his clients and in furthermore of the cause and interest of justice.
8. It is submitted that the Complainant, in his desire to pay back to the society what the society has given him, also undertakes pro bono work, apart from helping out fresher's and other colleagues in the field of law. The Complainant is highly respected among the bar members.
9. That further, in view of the achievements of the Complainant, he is regularly invited as a Guest at various events/seminars organized relating to discussions on the various aspects of law, apart from being invited to give lectures in Law Schools, enabling the Complainant to share his knowledge with all concerned.
10. In fact, there are various reported judgments in law journals such as SCC, JCC, etc. in which the Complainant was the Counsel and the Complainant has contributed vastly in the development of law.
11. That the Late Dr. L. M. Singhvi (*father of the Complainant*), was an eminent jurist, a leading constitutional expert, an acclaimed

5

diplomat, an expert in public and private international law, a distinguished parliamentarian, a highly respected intellectual, a prominent exponent of human rights, a doyen of the Indian Bar, a citizen-statesman, an author, poet, publicist, linguist and litterateur. Late Dr. L. M. Singhvi was a gold medalist in B.A. from Allahabad University and an LL.B. and M.A. from Jaipur University.

12. Late Dr. L. M. Singhvi (*father of the Complainant*) was Rajasthan's first Rotary Scholar to Harvard University for his LL.M. He also completed PhD/JSD from Cornell University, USA in a record 2 years. He also served as the Advocate General of Rajasthan from 1972-1977.
13. Late Dr. L. M. Singhvi served as a parliamentarian in both Houses of the Indian Parliament. He also has the distinction of serving as one of the longest serving High Commissioners for India (1991-1997) to the United Kingdom. This period was widely acclaimed as the '*Golden Era*' of Indo-UK relationship & Dr. LM Singhvi's tenure covered the tenure of three British Prime Ministers & five Indian Prime Ministers. He also headed the Indian delegation to the UN Conference on Human Rights in Vienna in the year 1993.
14. Late Dr. L. M. Singhvi was also the President of the Indira Gandhi National Centre for Arts. He was also a member of the

6

Permanent Court of Arbitration at The Hague as also a part of the Commission of Inquiry into Administration of Justice in Trinidad and Tobago. A fuller Biodata is available as "*Part I: A Biographical Sketch*" by Sh. Lokendra Malik in the recently published book titled "*India's Vibgyor Man*" (published in 2019). Such was the distinguished and celebrated life of Late Dr L. M. Singhvi.

15. Through his years of professionalism and excellence in different forms of public service, Late Dr. L. M. Singhvi garnered an immense amount of goodwill and reputation, matched by few other individuals. In fact, the Late Shri Atal Bihari Vajpayee, former Prime Minister of India, described Late Dr. L. M. Singhvi as '*Saraswati-putra*', for his knowledge and intellectual prowess. The same clearly shows that Late Dr. L. M. Singhvi had earned name, fame and huge reputation in public at large through sheer hard work.
16. That the Complainant has scrupulously followed the entire ethics in his advocacy and has unblemished record. The Complainant has been working with complete honesty and has earned name, fame and reputation in public at large through sheer hard work and holds a huge reputation in the eyes of general public.

17. **BACKGROUND:**

17.1. That, on 25.12.2019, without any rhyme or reason, the Accused, with an intention to tarnish the image and reputation of the Complainant and his deceased father and damage their social standing and reputation in the society, got published a Book titled "*Honour Bound*", written by Accused - Sh. Sarosh Zaiwalla. The contents of above said defamatory Book was written and published, which circulation included the members of the society who are residing/ working within the jurisdiction of this Hon'ble Court.

17.2. Additionally, on 23.02.2020, without any rhyme or reason, Accused gave an interview to The Times of India, with an intention to tarnish the image and reputation of the Complainant and his father with the intention to be hurtful to the feelings of his family and all relatives, published an article titled "*I learnt from Bofors never to act in a case involving internal Indian politics, says Sarosh Zaiwalla*", written by Neelam Raaj. The above said defamatory Article was published online on the official website of The Times of India (*that is* <https://timesofindia.indiatimes.com/>) on <https://timesofindia.indiatimes.com/india/i-learnt-from-bofors-never-to-act-in-a-case-involving-internal-indian-politics-says-sarosh->

zaiwalla/articleshow/74260242.cms, and was also published in the newspaper of The Times of India which circulation included the members of the society who are residing/working within the jurisdiction of this Hon'ble Court. Copy of the relevant pages of the Book titled "*Honour Bound*", written by Accused is annexed herewith and marked as Annexure-A. Copy of the Printout of the Defamatory Article dated 23.02.2020 titled "*I learnt from Bofors never to act in a case involving internal Indian politics, says Sarosh Zaiwalla*", published by The Times of India in the newspaper is annexed herewith and marked as Annexure-B.

18. That Sh. Vir Sanghvi wrote a letter dated 09.03.2020 to the Complainant, stating that a passage of the Book "*Honor Bound*", as mentioned in the said letter, is completely a figment of imagination of Accused – Sarosh Zaiwalla. The copy of the said letter is annexed herewith and marked as Annexure-C.
19. That on 02.03.2020, the Complainant through his advocate sent a Legal Notice to Accused through email and International Speed Post, for criminal and civil defamation and to cease and desist from making and publishing defamatory remarks, recalling his book titled "*Honour Bound*"; and issuance of Public Apology in respect of an Interview reported in Times of India

publishing in its Print and Online Media on 23.02.2020. The copy of the said Legal Notice dated 02.03.2020 sent by the Complainant to Accused is annexed herewith and marked as Annexure-D.

20. That on the very next day i.e, 03.03.2020, the Accused emailed his reply to the abovesaid Legal Notice and thereafter, sent other responses also. The copy of the said replies is annexed herewith and marked as Annexure-E(colly).
21. It is submitted that defamatory statements made by Accused were published with the specific intention to harm the reputation and to defame the Complainant and his father with the intention to be hurtful to the feelings of his family and all relatives.
22. The abovementioned offences have been committed by the Accused to fulfill his *malafide* intentions; And in order to malign and defame the image of the Complainant and his father with the intention to be hurtful to the feelings of his family and all relatives, a false and defamatory story has been published, not only by twisting and manipulating various facts but also by making absolutely false and fabricated allegations, with a view to get personal benefits.
23. The said impugned Article as well as Book were published with the specific knowledge and intention to defame the

Complainant his father with the intention to be hurtful to the feelings of his family and all relatives, thereby making totally malicious, false, incorrect and defamatory allegations against the Complainant and his deceased father, which contain grossly twisted and manipulated facts.

24. That the statements made by the Accused are neither bonafide nor made in good faith, rather the statements of accused were made with malafide intention to lower the reputation of Complainant and his father with the intention to be hurtful to the feelings of his family and all relatives, as is apparent from the article as well as the book got published by the Accused.

25. The Accused made totally malicious, false, incorrect and defamatory allegations/remarks against the Complainant and his father with the intention to be hurtful to the feelings of his family and all relatives on the following Cause of Action:

26. CAUSE OF ACTIONS:

26.1. CAUSE OF ACTION-I:

Recently, on 25.12.2019, without any rhyme or reason, Accused with an intention to tarnish the image and reputation of the Complainant and damage his social standing and reputation in the society and to defame his late father Dr L. M. Singhvi with the intention to be hurtful to the feelings of his family and all relatives, got

published a book titled "*Honour Bound*", written by

Accused - Mr Sarosh Zaiwalla.

The defamatory allegations in the book got published by the Accused are as follows:

"The bofors saga had also entangled me in a political uproar in India, with my name banrlied about in Parliament. Rene Felber, the Swiss foreign minister leaked a memo to a journalist that had been handed to him by his Indian counterpart, Madhavsinh Solanki. Th is note recommended to the Swiss Government that it close its inquiry into the Bofors kickbacks. When this news reached India, Solcmki admitted in Parliament that he was given a sealed envelope to give to Felber, but said he was un aware it contained a Bofors memo. Solanki further elaborated he was in his seat on the plane when 'a well respected Indian lawyer in London' gave him the envelope and requested him to give it to the Swiss foreign minister.

There was a presumption in the Indian Press that this lawyer was me. Naturally, the Indian parliament raised questions about the propriety of its Foreign Minister carrying a sealed envelope, without knowing its contents. I knew nothing about it. There was no way I would have got security clearance to board a plane on which I was not travelling, let alone deliver anything to anyone in it. Vir Sanghvi later told me the person who handed the envelope over might have been the Indian High Commissioner in the UK, Dr. L.M. Singhvi who was also a senior lawyer. Because of his diplomatic status) he would have had access and authority to meet the minister on the plane. To find my name being baselessly flung around in the Indian

Parliament and Press was stressful and it was the kind of publicity I could do without."

26.2. CAUSE OF ACTION – II:

On 23.02.2020, without any rhyme or reason, Accused with an intention to tarnish the image and reputation of the Complainant and damage his social standing and reputation in the society and to defame his late father Dr L. M. Singhvi with the intention to be hurtful to the feelings of his family and all relatives, got published an article titled "*I learnt from Bofors never to act in a case involving internal Indian politics, says Sarosh Zaiwalla*", written by Neelam Raaj. The above said defamatory Article was published online on the official website of The Times of India (*that is* [https:// timesofindia.indiatimes.com/](https://timesofindia.indiatimes.com/)) on [https:// timesofindia.indiatimes.com/ india/ i-learnt-from-bofors-never-to-act-in-a-case-involving-internal-indian-politics-says-sarosh-zaiwalla/ articleshow/ 74260242.cms](https://timesofindia.indiatimes.com/india/i-learnt-from-bofors-never-to-act-in-a-case-involving-internal-indian-politics-says-sarosh-zaiwalla/articleshow/74260242.cms) and also on the newspaper.

The aforesaid Article is per se defamatory, containing various false, fabricated and defamatory allegation against the Complainant and his father.

The defamatory allegations in the article are as follows:

(13)

"I had a very close and friendly relationship with all Indian High Commissioners. Even though Kuldeep Nayyar sacked my firm because I did not accept his request to stop representing the Bachchans, it did not affect his personal cordial relationship with me. Unfortunately, Dr. L. M. Singhvi acted unfairly towards my firm for a possible personal reason. I was a member of an international arbitration tribunal in a multimillion dollar claim against the Indian government. His son, Abhishek Manu Singhvi, then a very junior counsel, was appearing before us. My co-arbitrator knew Dr. Singhvi well and was clearly under pressure. He gave a dissenting award in favour of the Indian Government. I joined the majority award given by the Chairman of the Tribunal Lord Mckenzie Stuart, which was given against the Indian Government. Mine was a judicial decision on merits.

This apparently provoked Dr. Singhvi to recommend blacklisting my firm despite the successful service we had provided the High Commission over the years."

(emphasis added)

ALLEGATIONS MADE IN THE CAUSE OF ACTIONS IS FALSIFIED FROM THE FOLLOWING TRUE FACTS:

27. The above said false statements by the Accused -

Mr Sarosh Zaiwalla (Author of the Defamatory Book), which have been viewed and read by entire Nation, is defamatory to the core. The allegation made in the above stated cause of action is false and the same is explained herein below:

27.1. That the above statement being made by the Accused -

Mr Sarosh Zaiwalla in the defamatory book and

defamatory interview which got published on 23.02.2020 by Times of India, is false, malicious, defamatory, entirely vexatious and without any lawful basis or justification.

27.2. The following allegations made in the CAUSE OF ACTION-I are false and fabricated:

- i. *"The bofors saga had also entangled me in a political uproar in India, with my name harried about in Parliament. Rene Felber, the Swiss foreign minister leaked a memo to a journalist that had been handed to him by his Indian counterpart, Madhavsinh Solanki. This note recommended to the Swiss Government that it close its inquiry into the Bofors kickbacks. When this news reached India, Solanki admitted in Parliament that he was given a sealed envelope to give to Felber, but said he was unaware it contained a Bofors memo. Solanki further elaborated he was in his seat on the plane when 'a well respected Indian lawyer in London' gave him the envelope and requested him to give it to the Swiss foreign minister.*
- ii. *There was a presumption in the Indian Press that this lawyer was me. Naturally, the Indian parliament raised questions about the propriety of its Foreign Minister carrying a sealed envelope, without knowing its contents. I knew nothing about it. There was no way I would have got security clearance to board a plane on which I was not travelling, let alone deliver anything to anyone in it. Vir Sanghvi later told me the person who handed the envelope over might have been the Indian High Commissioner in the UK, Dr. L. M. Singhvi who was also a senior lawyer. Because of his diplomatic*

status) he would have had access and authority to meet the minister on the plane. To find my name being baselessly flung around in the Indian Parliament and Press was stressful and it was the kind of publicity I could do without."

The allegations made by the Accused are false for the following reasons:

- (a) That the Accused has made libelous statement's, which are on the face of it, ex-facie speculative and defamatory.
- (b) The Accused made several allegations against Complainant and his deceased father, which are per se defamatory and the accused has no cause or reason to have made the said allegation.
- (c) That the remarks made by the accused are admittedly based upon hearsay. The usage of the word "*might*" is speculative, hypothetical and ambiguous assertion of opinion rather than an assertion of a verified fact. It clearly shows that the Accused could not have and obviously did not carry out any verification of these alleged assertions.
- (d) The Complainant has in fact made personal enquiries from Shri Vir Sanghvi who has denied making any such statement and has confirmed the same vide his

letter dated 09.03.2020. The Accused ex-facie is shown to be a dishonest prevaricator in making such preposterous assertions. There is no basis whatsoever for making such allegations. The same amounts to false information and as such the Accused deserves to be dealt with strictly.

- (e) The defamatory contents of the Book have no iota of truth. The allegations made therein are totally false, unverified, based on hearsay and a deliberate and malicious attempt to defame the reputation of Complainant's father.
- (f) The false and defamatory statements have been made intentionally to be hurtful to the feelings of his family or other near relatives. Moreover, the Accused tried, for the first time, after almost three decades to deflect from the long-standing allegations (*which the Accused refer to as "presumption"*) against Accused to manufacture a new story about the Late Dr LM Singhvi which was never once uttered by him for over three decades. This itself is proof positive of Accused's motivated, malicious & malafide afterthoughts, designed to sensationalize, seek cheap

publicity and promote sales of his book for crass, commercial gain.

- (g) That the Accused have made libelous statements, which are on the face of it and per-se defamatory without checking the facts.
- (h) The said allegation and claim have been made without the slightest responsibility and concern for the truth, though knowing very well that the general public will treat these allegations leveled by the Accused as truth.
- (i) The Accused have made the said baseless allegations recklessly with an intention to throw a taint and cast a slur on the reputation of the Complainant and his father, with such allegations being bereft of any truth, being per-se false, nonexistent, in addition to being grossly and per-se defamatory, having made with an intention to harm the forthrightness and reputation of the Complainant and his deceased father with full intention and knowledge to defame the Complainant and his deceased father.
- (j) The Accused is on a vilification campaign against the Complainant and his deceased father and has made false allegations, which are nothing but a figment of

the imagination of the Accused and have no connection with reality.

- (k) It is submitted that the allegations leveled against the Complainant and his deceased father are unjustified and made with a view to defame the Complainant and his deceased father. The Complainant has worked sincerely and honestly to contribute toward society.
- (l) The accused has made the allegations only with a view to defame the Complainant and his father, with the intention to be hurtful to the feelings of his family and all relatives. The manner of allegations against the Complainant and his deceased father is entirely defamatory. The same amounts to false publication, such that the Accused deserves to be dealt with strictly.
- (m) The imputations impugned have lowered the reputation of the Complainant and his deceased father in the estimation of others and have also affected their credibility, suggesting that their professional activities are inappropriate and disgraceful.

- (n) The Complainant submits that the imputations made are clearly with ulterior motive and are motivated only by self-interest for wrecking private spite, which requires deterrent action.
- (o) The intention to harm the reputation is patent and, it is apparent that there exists both knowledge and also reason to believe that the imputation would harm the reputation of Complainant and the same was done with the intention to be hurtful to the feelings of Late Dr. L. M. Singhvi's family and all relatives.
- (p) The imputation, moreover, lowers the Complainant and his deceased father in the estimation of other, which is utterly disgraceful.

27.3. The following allegations made at the CAUSE OF ACTION-II, which reads as follows are false:

iii. "I had a very close and friendly relationship with all Indian High Commissioners. Even though Kuldeep Nayyar sacked my firm because I did not accept his request to stop representing the Bachchans, it did not affect his personal cordial relationship with me. Unfortunately, Dr. L. M. Singhvi acted unfairly towards my firm for a possible personal reason. I was a member of an international arbitration tribunal in a multimillion dollar claim against the Indian government. His son, Abhishek Manu Singhvi, then a very junior counsel, was appearing before us. My co-arbitrator knew Dr. Singhvi well and was clearly under pressure. He

gave a dissenting award in favour of the Indian Government. I joined the majority award given by the Chairman of the Tribunal Lord Mckenzie Stuart, which was given against the Indian Government. Mine was a judicial decision on merits.

- iv. *This apparently provoked Dr. Singhvi to recommend blacklisting my firm despite the successful service we had provided the High Commission over the years."*
(emphasis added)

The allegations made by the Accused are false for the following reasons:

- (a) The Accused has used the above said defamatory lines for the Complainant and his father, which is not only derogatory in nature, but without any basis and per-se defamatory, suggesting that Complainant and his father have no respect or dignity and remain wholly servile and shamelessly endure insults and disrespect.
- (b) There is a clear insinuation in the above statement that Dr L.M. Singhvi was attempting to illegally pressurize and influence the decision making of an international arbitral tribunal, through Accused's co-arbitrator who was allegedly well known to Dr L.M. Singhvi and was also expecting him to pass the award in favor of the Indian Government. Further, Accused's insinuation is that when he passed an

award against the Indian Government, his firm was blacklisted.

- (c) This speculative, false and unsubstantiated allegation flies in the face of Accused's own statement that accused firm stood sacked even before Dr. L.M. Singhvi was the High Commissioner (viz. "Kuldeep Nayar sacked my firm) and since it is common knowledge that Sh Kuldeep Nayar preceded Dr. L.M. Singhvi as the Indian High Commissioner. Indeed, even in Accused's TV interview to News X, uploaded on YouTube on 24.09.2017 (interviewed by Mr Tarun Nangia), he has reiterated that accused was sacked and removed from all cases during the tenure of Indian High Commissioner, Sh Kuldeep Nayar.
- (d) That the accused is also well aware that blacklisting for a certain period of time is a necessary inevitable consequence of the aforesaid sacking and aforesaid cessation of engagement from all such cases. The statements made by the Accused are thus dishonest, self-contradictory, and replete with self-serving falsehood.
- (e) That the Accused made insinuations that there was undue influence and abuse of power on the part of

22

Late Dr. L. M. Singhvi on the arbitration tribunal to pass a favourable award in which his Client was appearing as Counsel. The Accused further assert that the Clients used their personal relationship and illegally utilized the position of Dr. L. M. Singhvi to collude, conspire and wrongfully influence the justice mechanism.

- (f) In fact, Accused's itch to increase the sales of the Book by rumor mongering has not spared even the reputed members of the judiciary. The Accused has callously and carelessly alluded to the fact that late Justice Pathak, a former Chief Justice of India and also a member of the International Court of Justice, who was the co-arbitrator, gave the award under some form of pressure. Everyone, including the Late Justice Pathak and the Late Kuldeep Nayar appear to be grist to Accused's wild mill and his febrile, fertile, and self-serving imagination.
- (g) Again, for the events of the 1990's, the Accused seem to have woken up after over two and a half decades only to promote sales for his book for the earlier stated crass, unexplainable commercial motives.

- (h) The Accused gave interview in connection with the promotion of his Book. The Accused is well aware that a prominent publisher like Harper Collins and also the publisher of his interview, Times of India, both through its print and online medium, attracts huge audience and has a significant market share in terms of readership/viewership. This further aggravates the defamation sought to be perpetuated.
- (i) The Complainant and his father Late Dr. L. M. Singhvi are highly reputed personalities across the globe including India. The Accused has created a non-existent controversy in a sensational manner, by maligning the public life and public image of Complainant and his father Late Dr. L. M. Singhvi, for his own selfish and self-serving reasons. Such malicious, unsubstantiated and reckless charges have deeply hurt the public standing and reputation of Complainant and his father Late Dr. L. M. Singhvi and of course, of each and every members of the families of Complainant, family and relatives of his deceased father Dr. L. M. Singhvi and his estate.
- (j) These statements have been made with a deliberate and maliciously intended calculation to expose

Complainant and his deceased father to hatred, contempt and ridicule. It is specifically calculated to injure Complainant directly in his profession and calling and also to malign and ridicule the fair and high name of a most eminent deceased person.

- (k) Ex-facie the said statements would tend to lower the reputation of his clients and indeed of all members of the Singhvi family and their estate in the eyes of right-thinking members of society.
- (l) Accused's purpose is also the material advantage his book would gain in its sales by publishing such false and defamatory statements regarding Complainant and his deceased father so as to benefit by sensationalism, as also to hurt the feelings of the near and dear ones of the family of Late Dr L.M. Singhvi and the Complainant.
- (m) The malicious acts of the Accused have resulted in defamation of Complainant and his father, Late. Dr. L. M. Singhvi and all their family members and their estates. Imputations made by the accused have harmed gravely the reputation of Dr. L. M. Singhvi and have directly lowered the moral/intellectual character of Dr. L. M. Singhvi in

25

the estimation of the right-thinking members of the society. There are also intended to be harmful to the feelings of each of his family and relatives. It has caused severe hardships and prejudice also to Dr Abhishek Singhvi and his entire family and has caused unwarranted misery and loss of reputation.

28. The Accused have irreparably harmed and damaged the reputation, goodwill and status of the Complainant and his father and maligned their good name in the eyes of their friends, relatives, fellow bar members and the public at large. Equally, there can be no manner of doubt that, if Dr. L. M. Singhvi were alive, he would be personally vilified and comprehensively defamed both civilly and criminally.
29. Since the Complainant - Dr Abhishek Singhvi is the son of Late Dr. L. M. Singhvi, any form of malignant remark, hurting the reputation and legacy of Late Dr. L. M. Singhvi, directly affects the reputation of Dr Abhishek Singhvi who himself has had a long-standing public life, both in his personal capacity and as the son of Late Dr. L. M. Singhvi and as inheritor of the legacy of his family name.
30. Therefore, Complainant is a highly 'aggrieved person' under Indian Laws, for defamation of both the Complainant and his deceased father and has the requisite authority under law to

initiate legal proceedings against the Accused for his defamatory and malicious remarks and statements. Even otherwise, the contents of the book and the subsequent interview, casts malicious aspersions on the Complainant, whose individual and family reputation has been tainted.

31. Moreover, making such allegations against someone is equivalent to destroying his career as no client would wish to engage an advocate, who is involved in such allegations. Moreover, the Complainant is a Senior Advocate by profession, but by the said allegations, the clients have run away and the bar no longer has respect for the Complainant.
32. Furthermore, the manner in which the defamatory book and the Interview (Article) thereof has been made clearly spells out the intention of the Accused to defame the Complainant and his deceased father, by projecting the Complainant and his deceased father in bad light. The said allegations hit the very roots of the profession of the Complainant and have deeply affected the reputation of the Complainant and his deceased father.
33. The said allegations made by the Accused are false and ex-facie defamatory. Such allegations have caused immense loss to the reputation of the Complainant and his deceased father in the public at large and it has dented the long-standing reputation of the Complainant of being a honest person. It also amounts to

spreading ill-will against the Complainant and his deceased father.

34. The Freedom of Speech enshrined in the Constitution of India does not permit abuse and want of regard to another's honour or reputation and the allegation made are clearly malicious and only motivated with the intent and knowledge to malign the Complainant and his deceased father.
35. The right to reputation is guaranteed under Article 21 of the Constitution of India and the Complainant is entitled to preserve and vindicate his reputation and there is no right in the accused to tarnish the same in the manner he has undertaken.
36. That the Complainant is in severe mental agony and distressed situation as the said malicious campaign has lowered the moral and intellect reputation of the Complainant amongst his Clients and also the members of the Bar, who otherwise held him in high esteem and the reputation of the Complainant has also fallen amongst his colleagues. Furthermore, the Complainant is deeply hurt, as the reputation of his deceased father has been badly hurt and diminished in the eyes of the public at large.
37. The allegations levelled by the Accused against the Complainant and his deceased father are highly defamatory and has led to a situation wherein the Complainant is constantly but vainly

attempting to justify his and his father's position, as he is often been confronted by various members of the bar.

38. Pertinently, the associates and other members of the bar have, since the defamatory Book and interview (Article), have started to distance themselves from the Complainant by stating that if they are seen together with the Complainant, then others will feel that they are also like him. Hence, the defamatory allegations have adversely affected the entire life and profession of the Complainant.
39. That towards the end of February, 2020, Advocate Sh Sumit Chander, who frequents the chambers of the Complainant in the Hon'ble Supreme Court of India (*being Chamber No. 421*) to seek legal advice and for conferences, read the contents of the defamatory book and the defamatory article, titled as *"I learnt from Bofors never to act in a case involving internal Indian politics, says Sarosh Zaiwalla"*, published on The Times of India, which contained grave allegations against the Complainant and his deceased father. The aforesaid Sh. Sumit Chander saw and flipped through the book in the aforesaid Chamber and the next day also saw the Times of India Article of the Accused.
40. After that, the Advocate Sh. Sumit Chander confronted the Complainant at the aforesaid Chamber at Supreme Court of

India, with the allegations made therein, on which it was told by the Complainant to the said Sh. Sumit Chander that there is no shred of truth in the said allegation.

41. Sh Sumit Chander asked the Complainant that he did not know that his father Late Dr. L. M. Singhvi was not an honest person and Complainant inherited those qualities from him, and at that time, many other advocates were also there, who were listening to this conversation and defamatory remarks.
42. Sh Sumit Chander told the Complainant that he was highly disillusioned and several persons in the corridors were questioning the conduct and reputation of the Complainant - Dr. Abhishek Singhvi, as he is alleged to be involved in such activities, also informing him that if he is seen with the Complainant, then he will also be considered as being involved in such activities.
43. Further, such imputations spread within the Bar and many other Associates and Clients of the Complainant in the society believed the statements to be true.
44. Upon the receipt of such queries/ confrontation, it was a humiliating situation for the Complainant and his deceased father, and the reputation, respect and goodwill of the Complainant and his deceased father has been lowered in the eyes of said Sh. Sumit Chander, other Advocates & Client, etc.

45. That in view of the above-mentioned facts and circumstances it can be ascertained that the Accused has committed the offence, and with the explanation given by the Complainant to the cause of actions, it is evident that the Accused had made false statements just to defame the Complainant and his deceased father.
46. That the above-mentioned Accused has made and caused the publication of the false allegations concerning the Complainant and his deceased father, intending to harm and knowing and having reason to believe that such imputation will harm the reputation of the Complainant and his deceased father and would also be hurtful to the feelings of his family and all relatives and has, defamed the Complainant and his deceased father. Such imputations have directly and indirectly in the estimation of others, lowered the credit, goodwill, and reputation of the Complainant and his deceased father.
47. That the aforesaid statements made by the Accused have badly lowered down and harmed the image and reputation of the Complainant and his deceased father and the Complainant has suffered irreparable loss and injury and has also caused great pain and distress besides mental agony to the Complainant for such defamatory allegations levelled against him and his deceased father. The Accused, is, therefore liable to be

prosecuted and punished for committing the offence of defamation.

48. The said allegations and claims have been made without the slightest responsibility and concern for the truth. Nothing can be farther from the truth than the defamatory and damaging allegation made by the Accused against the Complainant and his deceased father.
49. That the Complainant respectfully submits before this Hon'ble Court that the Complainant is the "aggrieved person" and has good fame and reputation. The fame and reputation of the Complainant and his deceased father has been lowered down due to the above-mentioned acts and omissions of the Accused.
50. That the acts and statement of the Accused is not covered by any of the exception u/s 499 IPC. The burden of proving that any act is covered by the exceptions, in any case, falls upon the Accused which can only be done at the stage of trial, and the Court shall presume absence of it, as per Section 105 of Evidence Act.
51. That though Article 19 (1) (a) of Indian Constitution of India guarantees freedom of expression, which entails the freedom of press and publication but Clause 2 of Article 19 lays down certain embargo providing that right to freedom speech can be curtailed on ground of its being defamatory and derogatory.

52. That the facts and circumstances stated herein above clearly reveal that the Accused by words intended to be read has made and had published imputations concerning the Complainant and his deceased father intending to harm, knowingly that such imputation will harm the reputation of the Complainant and his deceased father and shall also be hurtful to the feelings of his family and all relatives, has committed the offence of 'Defamation' as defined in Section 499 IPC punishable u/s 500 IPC.
53. It is submitted that this Hon'ble Court has jurisdiction to try the present complaint as the defamatory Book and Article, published by Accused, has been read by persons associated with the Complainant, including by Sh. Sumit Chander at the above-mentioned Chamber No.421 at Hon'ble Supreme Court of India, New Delhi-110001. Further, the consequences of the aforesaid acts of defamation against the Complainant and his deceased father have ensued within the jurisdiction of P.S. Tilak Marg, which in turn is within the jurisdiction of this Hon'ble Court, as the defamatory Book and Article were read by various persons, members of Bar etc. within the said jurisdiction of P.S. Tilak Marg and after reading the aforesaid defamatory Book and Article containing defamatory statement, remarks against the dignity and reputation of the Complainant and his deceased

33

father were made by various persons within the jurisdiction of this Hon'ble Court. Thus, the cause of action arose within the jurisdiction of this Hon'ble Court; therefore, this Hon'ble Court has the jurisdiction to entertain and adjudicate the present complaint.

54. That the present complaint has been filed in most bonafide and legal manner and in the interest of justice.

PRAYER:

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Pass necessary orders and directions thereby taking cognizance upon the present complaint and to summon, try and punish the Accused in accordance with law for the commission of offence under Section 499/500 IPC.

AND

- ii. Pass any other order and directions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and in favour of the Complainant.

Place: Delhi

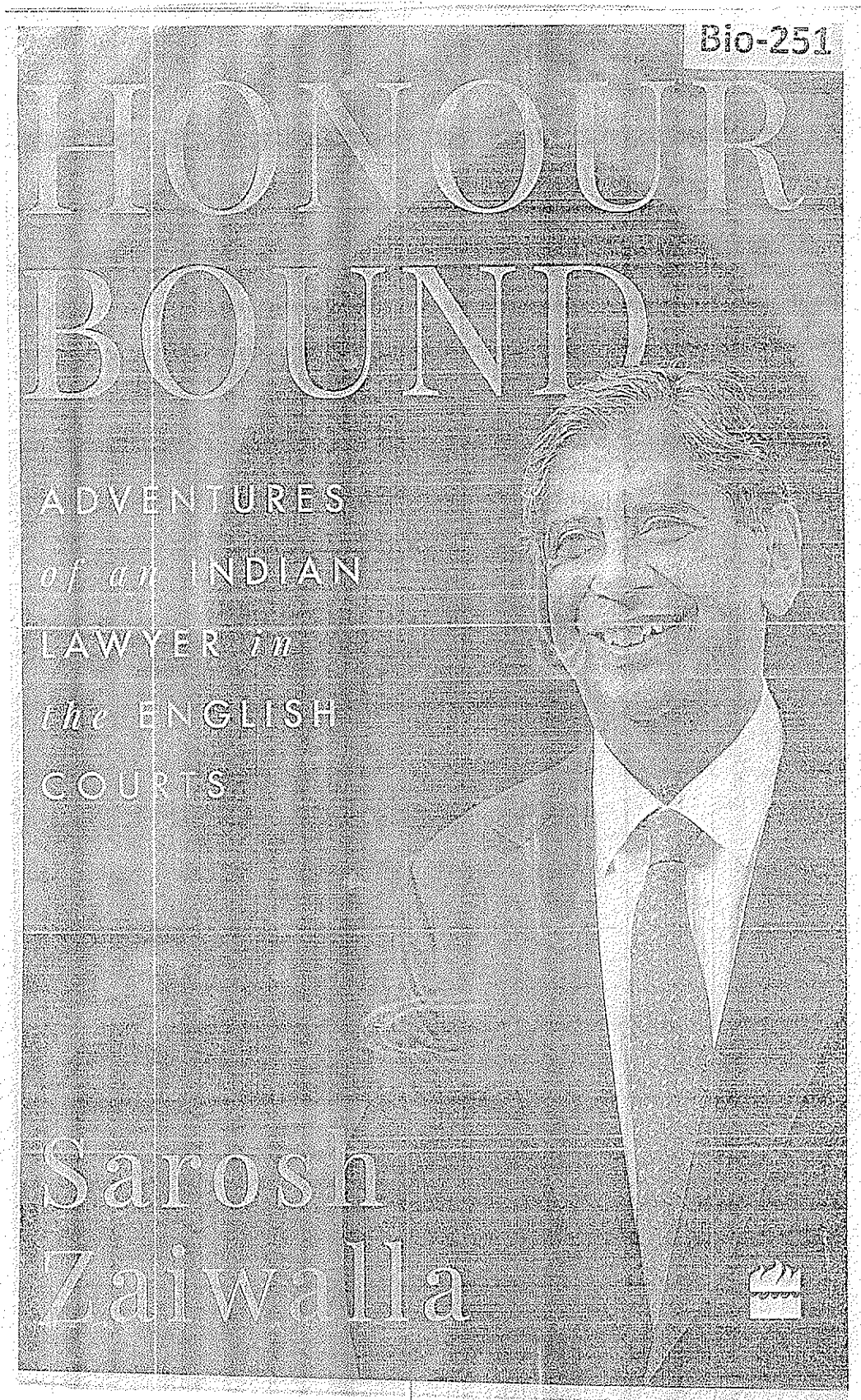
Dated: 11.03.2020 Through


Complainant

Advocates

ANNEXURE-A

34



35

Palace for her when she was visiting London after Rajiv's death. He claimed it was the high commissioner who drew up the guest list, but he wanted to stop me getting to know Sonia personally. He was keeping me away.

In the days that followed my meeting, I drew comfort that although I never did get the money Ajitabh had obtained, at least I had done the right thing in sharing the information with Sonia.

I had no intentions of punishing the Bachchans. If the source of the \$15 million was corrupt political funds, then I was glad I did not receive it. Throughout my life I have firmly believed in forgiveness and to leave punishment to the universe. I was also never after easy money.

Two weeks after our meeting, I read reports,^{27,28} published in India, that Sonia and the Bachchans had fallen out. It was clear to me that what I told her had led directly to her breaking relations with them.

The Bofors saga had also entangled me in a political uproar in India, with my name bandied about in Parliament. Rene Felber, the Swiss foreign minister, leaked a memo to a journalist that had been handed to him by his Indian counterpart, Madhavsingh Solanki. This note recommended to the Swiss government that it close its inquiry into the Bofors kickbacks. When this news reached India, Solanki admitted in Parliament that he was given a sealed envelope to give to Felber, but said he was unaware it contained a Bofors memo. Solanki further elaborated he was in his seat on the plane when 'a well-respected Indian lawyer in London' gave him the envelope and requested him to give it to the Swiss foreign minister.

There was a presumption in the Indian press that this lawyer was me. Naturally, the Indian parliament raised questions about the

27 'The B-i-G Freeze', New Delhi: *Outlook*, 8 November 2004

28 'A tale of two families', Mumbai: *Mumbai Mirror*, 23 September 2018

36

propriety of its foreign minister carrying a sealed envelope, without knowing its contents. I knew nothing about it. There was no way I would have got security clearance to board a plane on which I was not travelling, let alone deliver anything to anyone in it. Vir Sanghvi later told me the person who handed the envelope over might have been the Indian high commissioner in the UK, Dr L.M. Singhvi, who was also a senior lawyer. Because of his diplomatic status, he would have had access and authority to meet the minister on the plane. To find my name being baselessly flung around in the Indian parliament and press was stressful and it was the kind of publicity I could do without.

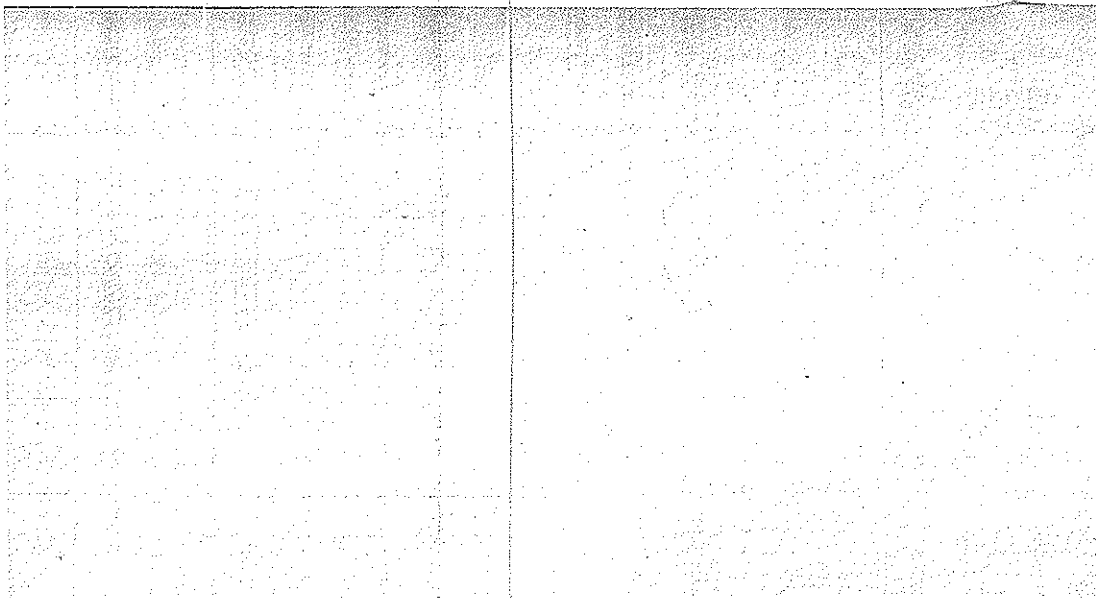
The final chapter of the saga came out in Mumbai around 2010, some two decades after it had started. Mehernosh had returned to India with his family. I was visiting Mumbai when a common friend of mine, Suresh Mankad of P&I Services India, told me Mehernosh wanted to see me. It was the first time we had spoken since our acrimonious split over Delta Shipping Company. Over lunch at the Oberoi Hotel, which Mehernosh hosted, although I wasn't aware of it, Mehernosh must have known he was terminally ill. He said sorry for what had happened between us. I accepted the apology but asked what happened to the money. He told me Ajitabh had lost \$500,000 of it but had kept the remaining \$14.5 million. He added, 'Has Ajitabh not told you that he took back \$14.5 million?'

I had cleared Ajitabh Bachchan's name, but, if what Mehernosh said was true, it was he who profited so handsomely. Meanwhile I had lost my work with the Indian government which I cherished. Now I had to start all over again.

It was China, India's northern neighbour and rival, which would help revive me and my career.

Panama Papers post-script

Perhaps significantly, Amitabh Bachchan has in 2017 faced questions on Indian television about his involvement in the Panama Papers.



I learnt from Bofors never to act in a case involving internal Indian politics

London-based solicitor Sarosh Zaiwalla is best known here for his successful defence of the Bachchan brothers in the Bofors case. However, his clients have included the Indian and Chinese governments, Russian oligarchs, Greek shipping tycoons, the Dalai Lama, and even a Mafia boss. In India for the launch of his memoir, 'Honour Bound', he spoke to Bachi Karkaria on his amazing journey

■ What gave you the confidence to set up the first Indian solicitor's firm in the toff 'City of London' back in 1982?

While training for being enrolled as a solicitor in London, I became friends with Cedric Barclay, an eminent maritime arbitrator. Cedric strongly advised me to start on my own. He said that however brilliant I was, I would not progress far in a big City law firm as I would always be seen as an outsider.

■ Tell us about the hostility from India's own high commissioner to the UK.

Kuldip Nayyar (high commissioner, 1990) sacked my firm because I did not accept his request to stop representing the Bachchans, but it did not affect his personal cordial relationship with me. Unfortunately, Dr L.M. Singhvi (high commissioner, 1991-97) acted unfairly towards my firm for a possible personal reason. I was a member of an international arbitration tribunal in a multi-million dollar claim against the Indian government. His son, Abhishek Manu Singhvi, then a very junior counsel, was appearing before us. My co-arbitrator was clearly under pressure, and gave a dissenting award. I instead joined the majority award given by the chairman of the tribunal, Lord McKenzie Stuart, against the Indian government. This

FOR THE RECORD

apparently provoked Dr Singhvi to recommend blacklisting my firm despite the successful service we had provided over the years.

■ What was your learning from your part in Bofors?

Never to act again for a case where internal Indian politics is involved.

■ Do you believe that the \$15 million that Ajitabh Bachchan gave you for a compensatory business partnership actually came from Rajiv Gandhi?

The monies did arrive but I have no definite proof of the source. From my own dealings with Rajiv Gandhi, I believe he was a good, honest man.

■ What did Benazir tell you about Kashmir?

One, that at a meeting with Rajiv Gandhi, when both were Prime Minister, they came very close to settling the Kashmir dispute. Two, she said that the Kashmir insurgency was being financed by the Wahabis of Saudi Arabia.

■ Weren't you involved in the Indo-China border dispute?

Yes and no. I had assisted China in a successful second-channel, high-level dialogue between the actual political decision-makers of China and UK on the thorny issues arising from the

hand-over of Hong Kong. So, a few years later, the Chinese ambassador in London asked me if I could organise a similar private dialogue to find an amicable resolution of the border dispute with India. We prepared a note which was handed in person to Maneka Gandhi (whom we were representing in another case) to be passed on to the then external affairs minister Jaswant Singh. There was no response from India.

■ Rajiv Gandhi, Narasimha Rao, Benazir Bhutto, The Dalai Lama, Ban ki Moon. Who really impressed?

Rajiv Gandhi as a very warm person, Narasimha Rao had this fluency in Persian language. I was touched by the Dalai Lama's complete openness and honesty during our one-on-one meeting. Ban ki Moon had such genuine humility.

■ How much did you save the Indian government in maritime arbitration?

Take only the US PL 480 scheme. India had to charter ships to transport the free gift of wheat from the United States. The charter party contract for the vessels required all disputes to be settled by London arbitration. The success of my firm obtained in those arbitrations saved India over \$50 million when it had a severe forex crisis.

■ India, China, Russia, Iran, Iraq, lately Venezuela. Whom did you enjoy working with most?

China. It was interesting, even fun. It was just opening up, and the government sought my advice on setting up a legal infrastructure for foreign investors. I found that China respected Indians more than Europeans.

■ Which was your toughest case?

Bank Mellat of Iran vs UK Government. Bank Mellat had challenged its listing under the Iran nuclear-sanctions. They came to us after losing in both the English high court and the court of appeal. We won in the Supreme Court. Then they decided to claim damages totalling \$1.6 billion against the UK government. The latter strenuously defended itself, but, at the door of the trial, gave in. We concluded a very substantial settlement.



ANNEXURE-C

38

Vir Sanghvi

C-99, South Extension Part-II
New Delhi-110049
Email: vrsanghvi7@gmail.com
ra1235@rediffmail.com
Pan no: ANYPS7076F

GSTIN: 07ANYPS7076F1Z4

09 March 2020

To,

Dr Abhishek Singhvi
Senior Advocate & Member Parliament
A-129 Neeti Bagh
New Delhi

Dear Abhishek,

Apropos our telephonic conversation, I categorically & vehemently deny having any conversation with Mr Sarosh Zaiwalla regarding your late father LM Singhvi handing over an envelope to Ex-Minister Madhavsing Solanki aboard a private plane enroute Switzerland. To be specific, passage of the book "Honor Bound" stating "Vir Sanghvi later told me the person who handed the envelope over might have been the Indian High Commissioner in the UK, Dr. L.M. Singhvi who was also a senior lawyer. Because of his diplomatic status, he would have had access and authority to meet the minister on the plane" is completely a figment of imagination of the author Sarosh Zaiwalla who has chosen to misquote me for reasons best known to him.

I deny making any such statement attributed to me in Sarosh Zaiwalla book "Honor Bound".

Thanking you,

Yours sincerely,



Vir Sanghvi

ANNEXURE-D

39

Jaiveer Shergill
Advocate

1

C-216, Defence Colony,
New Delhi 110 024
Tel: +91-11-46150757, 46160757
Mobile: +91-9910470757
E-mail: jaiveer@shergilloffice.com

March 2nd, 2020

BY: INTERNATIONAL SPEED POST / EMAIL

LEGAL NOTICE

To

Mr. Sarosh Zaiwalla
C/o The London Silver Vaults,
53-64 Chancery Lane,
Holborn, London
WC2A 1QS, United Kingdom

SUBJECT: LEGAL NOTICE, INTER ALIA, FOR CRIMINAL AND CIVIL DEFAMATION AND TO CEASE AND DESIST FROM MAKING AND PUBLISHING DEFAMATORY REMARKS; RECALLING YOUR BOOK TITLED 'HONOUR BOUND'; AND ISSUANCE OF PUBLIC APOLOGY IN RESPECT OF AN INTERVIEW REPORTED IN TIMES OF INDIA PUBLISHED IN ITS PRINT AND ONLINE MEDIA ON FEBRUARY 23, 2020.

Mr. Zaiwalla,

I write to you under instructions for and on behalf of my Clients, Dr. Abhishek Singhvi, Member of Parliament and Senior Advocate (hereinafter referred to as the "Client") as also all family members and estate of Late Dr LM Singhvi to put you to notice against the defamatory, patently false and vexatious remarks made by you against my Client and his father, the Late Dr. L. M. Singhvi, in your recently released book titled "Honour

40

Learnt From Bofors Never To Act In A Case Involving Internal Indian Politics, Says Sarosh Zaiwalla ("Interview"). This notice is being issued on behalf of my Client who is gravely adversely affected by the defamatory remarks made by you against my Client's father and against him personally.

1. Late Dr. L. M. Singhvi, was an eminent jurist, a leading constitutional expert, an acclaimed diplomat, an expert in public and private international law, a distinguished parliamentarian, a highly respected intellectual, a prominent exponent of human rights, a doyen of the Indian Bar, a citizen-statesman, an author, poet, publicist, linguist and litterateur. Late Dr. L. M. Singhvi was a gold medalist in B.A. from Allahabad University and an LL.B. and M.A. from Jaipur University. He was Rajasthan's first Rotary Scholar to Harvard University for his LLM. He also completed PhD/JSD from Cornell University, USA in a record 2 years. He also served as the Advocate General of Rajasthan from 1972 - 1977.
2. Late Dr. L. M. Singhvi served as a parliamentarian in both Houses of the Indian Parliament. He also has the distinction of serving as one of the longest serving High Commissioners for India (1991-1997) to the United Kingdom. This period was widely acclaimed as the 'Golden Era' of Indo-UK relationship & Dr LM Singhvi's tenure covered the tenure of three British Prime Ministers & five Indian Prime Ministers. He also headed the Indian delegation to the UN Conference on Human Rights in Vienna in the year 1993. He was also the President of the Indira Gandhi National Centre for Arts. My Client's father was also a member of the Permanent Court of Arbitration at The Hague as also a part of the Commission of Inquiry into Administration of Justice in Trinidad and Tobago. A fuller Biodata is available as "Part I: A Biographical Sketch" by Sh. Lokendra Malik in the recently published book titled "India's Vibgyor Man"(published in 2019), which is also attached as an attachment only to the email for your ready reference. Such was the distinguished and celebrated life of my Client's father that his list of accolades, distinctions, and achievement could go on for many pages but are not repeated here.

3. Through his years of professionalism and excellence in different forms of public service, my Client's father, Late Dr. L. M. Singhvi, garnered an immense amount of goodwill and reputation, matched by few other individuals. In fact, the Late Shri Atal Bihari Vajpayee, former Prime Minister of India, described Late Dr. L. M. Singhvi as 'Saraswati-putra', for his knowledge and intellectual prowess.
4. My Client, Dr. Abhishek Singhvi, is also a reputed and respected member of society and a renowned lawyer across INDIA. He is an eminent jurist, parliamentarian, visible media personality, well known columnist, author and commentator. My Client was designated as a Senior Advocate by the Hon'ble Supreme Court at the age of 34 and has also served as Additional Solicitor General of India at the age of 37. Both these distinctions are the youngest accorded in India. He is one of the senior most National Spokespersons of the Indian National Congress Party and a senior and distinguished third term Member of Parliament in the Upper House.
5. In the year 1999, my Client was awarded the Global Leader of Tomorrow Award by the World Economic Forum, Davos. He also served as the Chairman of the Parliamentary Committee on Law and Justice, Personnel & Grievances. My Client is a top-ranking Senior Advocate of the nation with expertise in various fields of law including, but not limited to, constitutional, international and commercial law.
6. To the utter shock and dismay of my Client, it recently came to the knowledge of my Client that you have made false, frivolous, baseless and vexatious statements and remarks regarding my Client's father Late Dr. L. M. Singhvi in your Book titled "*Honour Bound*". The relevant defamatory extract of your book is reproduced here-in-below for ready reference:

"The bofors saga had also entangled me in a political uproar in India, with my name bandied about in Parliament. Rene Felber, the Swiss foreign minister leaked a memo to a journalist that had been handed to him by his Indian counterpart, Madhavsingh Solanki. This note recommended to the Swiss Government that it close its inquiry into the Bofors kickbacks. When this news reached India, Solanki admitted in

42

4

Parliament that he was given a sealed envelope to give to Felber, but said he was unaware it contained a Bofors memo. Solanki further elaborated he was in his seat on the plane when 'a well respected Indian lawyer in London' gave him the envelope and requested him to give it to the Swiss foreign minister.

There was a presumption in the Indian Press that this lawyer was me. Naturally, the Indian parliament raised questions about the propriety of its Foreign Minister carrying a sealed envelope, without knowing its contents. I knew nothing about it. There was no way I would have got security clearance to board a plane on which I was not travelling, let alone deliver anything to anyone in it. Vir Sanghvi later told me the person who handed the envelope over might have been the Indian High Commissioner in the UK, Dr. L.M. Singhvi who was also a senior lawyer. Because of his diplomatic status, he would have had access and authority to meet the minister on the plane. To find my name being baselessly flung around in the Indian Parliament and Press was stressful and it was the kind of publicity I could do without."
(emphasis added)

7. The said statement is *ex facie* speculative and defamatory. It is admittedly based upon hearsay. The usage of the word "might" is a speculative, hypothetical and ambiguous assertion of opinion rather than an assertion of a verified fact. Clearly you could not have and obviously did not carry out any verification of these alleged assertions. My client has in fact made personal enquiries from Shri Vir Sanghvi who has denied making any such statement. You are *ex facie* shown to be a dishonest prevaricator in making such preposterous assertions.
8. The contents of your Book have no iota of truth. They are totally false, unverified, based on hearsay and a deliberate and malicious attempt to defame the reputation of my Client's father. It is clear that *ex facie* you yourself could not honestly have believed in the truth of the allegations. The said false statements have been made intentionally to be hurtful to the feelings of his family or other near relatives. Moreover, you have tried, for the first time, after almost three decades to deflect from the long standing allegations (which

43

you yourself refer to as "presumption") against yourself to manufacture a new story about the late Dr LM Singhvi which was never once uttered by you for over three decades. This itself is proof positive of your motivated malicious & malafide afterthoughts, designed to sensationalise, seek cheap publicity and promote sales of your book for crass, commercial gain.

9. Your deliberate and mala fide intention behind baseless and untrue statements and remarks about a person of such high esteem and honour like the Late Dr. L.M.Singhvi is to gain audience and draw attention of the innocent public by attempting to create controversy to publicize your Book. This is further established by the Interview given by you and reported in print and online media of Times of India ("TOI") February 23, 2020 titled "*I Learnt From Bofors Never To Act In A Case Involving Internal Indian Politics, Says Sarosh Zaiwalla*" through which you have deliberately compounded the felony. The TOI Interview states as under:

"I had a very close and friendly relationship with all Indian High Commissioners. Even though Kuldeep Nayyar sacked my firm because I did not accept his request to stop representing the Bachchans, it did not affect his personal cordial relationship with me. Unfortunately, Dr. L. M. Singhvi acted unfairly towards my firm for a possible personal reason. I was a member of an international arbitration tribunal in a multimillion dollar claim against the Indian government. His son, Abhishek Manu Singhvi, then a very junior counsel, was appearing before us. My co-arbitrator knew Dr. Singhvi well and was clearly under pressure. He gave a dissenting award in favour of the Indian Government. I joined the majority award given by the Chairman of the Tribunal Lord Mckenzie Stuart, which was given against the Indian Government. Mine was a judicial decision on merits.

This apparently provoked Dr. Singhvi to recommend blacklisting my firm despite the successful service we had provided the High Commission over the years." (emphasis added)

44

6

10. There is a clear insinuation in the above statement that Dr L.M. Singhvi was attempting to illegally pressurize and influence the decision making of an international arbitral tribunal, through your co arbitrator who was allegedly well known to Dr L.M. Singhvi and was also expecting you to pass the award in favor of the Indian Government. Further, your insinuation is that when you passed an award against the Indian Government, your firm was blacklisted. This speculative, false and unsubstantiated allegation flies in the face of your own statement that your firm stood sacked even before Dr. L.M. Singhvi was the High Commissioner (viz. "Kuldeep Nayar sacked my firm) and since everyone knows that Sh Kuldeep Nayar preceded Dr. L.M. Singhvi as the Indian High Commissioner. Indeed, even in your TV interview to NewsX, uploaded on YouTube on 24/09/2017 (interviewed by Mr Tarun Nangia) you have reiterated that you were sacked and removed from all cases during the tenure of Indian High Commissioner Sh Kuldeep Nayar. You are also well aware that blacklisting for certain period of time is a necessary inevitable consequence of the aforesaid sacking and aforesaid cessation of engagement from all such cases. Your statements are thus dishonest, self-contradictory, and replete with self-serving falsehood.
11. You have made insinuations that there was undue influence and abuse of power on the part of Late Dr. L. M. Singhvi on the arbitration tribunal to pass a favourable award in which my Client was appearing as Counsel. You further assert that my Clients used their personal relationship and illegally utilized the position of his father to collude, conspire and wrongfully influence the justice mechanism. In fact, your itch to increase the sales of the Book by rumor mongering has not spared even the reputed members of the judiciary. You have callously and carelessly alluded to the fact that late Justice Pathak, a former Chief Justice of India and also a member of the International Court of Justice, who was the co arbitrator, gave the award under some form of pressure. Everyone, including the Late Justice Pathak and the Late Kuldeep Nayar appear to be grist to your wild mill and your febrile, fertile, and self-serving imagination. Again, for the events of the 1990's, you seem to have woken up after over two and a half decades only to promote sales for your book for the earlier stated crass, unexplainable commercial motives.

45

7

12. The Interview was given by you in connection with the promotion of your Book. You are well aware that a prominent publisher like Harper Collins and also the publisher of your interview, Times of India, both through its print and online medium, attracts huge audience and has a significant market share in terms of readership/viewership. This further aggravates the defamation sought to be perpetuated. We reserve all our legal rights against north such publishers, who are also copied in this legal notice.
13. Late Dr. L. M. Singhvi and my Client are highly reputed personalities across the globe including India. You have created a non-existent controversy in a sensational manner, by maligning the public life and public image of Late Dr. L. M. Singhvi and of my Client, for your own selfish and self-serving reasons. Such malicious, unsubstantiated and reckless charges have deeply hurt the public standing and reputation of Late Dr. L. M. Singhvi and my Client and of course, of each and every members of the families of Dr . L. M. Singhvi, his estate and my client.
14. These statements have been made with a deliberate and maliciously intended calculation to expose my Client and his father to hatred, contempt and ridicule. It is specifically calculated to injure my client directly in his profession and calling and also to malign and ridicule the fair and high name of a most eminent deceased person. *Ex facie* the said statements would tend to lower the reputation of my clients and indeed of all members of the Singhvi family and their estate in the eyes of right-thinking members of society. Your purpose is also the material advantage your book would gain in its sales by publishing such false and defamatory statements regarding my Client and his father so as to benefit by sensationalism, as also to hurt the feelings of the near and dear ones of the family of Late Dr L.M. Singhvi and of Dr Abhishek Singhvi.
15. Your malicious acts have resulted in defamation of my Clients which include the Late. Dr. L. M. Singhvi, Dr Abhishek Singhvi, all their family members and their estates. Imputations made by you have harmed graciously the reputation of Dr. L. M. Singhvi and have direct lowered the moral/intellectual character of Dr. L. M. Singhvi in the estimation of the right thinking members of the society. There are also intended to be harmful to the feelings of each of his family and relatives. It has caused severe hardships and prejudice also to

Dr Abhishek Singhvi and his entire family and has caused unwarranted misery and loss of reputation. You have irreparably harmed and damaged the reputation, goodwill and status of my Clients and maligned their good name in the eyes of their friends, relatives, fellow bar members and the public at large. Equally, there can be no manner of doubt that, if Dr. L. M. Singhvi were alive, he would be personally vilified and comprehensively defamed both civilly and criminally.

16. Since one my Clients Dr Abhishek Singhvi is the son of Late Dr. L. M. Singhvi, any form of malignant remark, hurting the reputation and legacy of Late Dr. L. M. Singhvi, directly affects the reputation of Dr Abhishek Singhvi who himself has had a long-standing public life, both in his personal capacity and as the son of Late Dr. L. M. Singhvi and as inheritor of his legacy of his family name. Therefore, my Clients are a highly 'aggrieved person' under Indian Laws and has the requisite authority under law to initiate legal proceedings, civil as well as criminal, against you for your defamatory and malicious remarks and statements. Even otherwise, the contents of the book and the subsequent interview, casts malicious aspersions on all my Clients, whose individual and family reputation has been tainted.
17. My Client Dr Abhishek Singhvi interacts with thousands of peoples across various cross sections of society, including *inter alia* lawyers, judges, journalists, dignitaries, foreign delegates, parliamentarians etc. By your actions, the reputation and respect of my Client, both in his personal capacity and as an "aggrieved person" are adversely affected by such illegal and defamatory imputations made by you against his father, has been severely tarnished which is evident from the fact that number of aforesaid people have raised questions about the alleged personal and professional impropriety on the part of my Client and his father.
18. All the aforesaid allegations and imputations against my Client and his father were made by you knowing them to be false and with an intention to defame my Client and his father and the entire family name. In addition to such acts giving rise to civil liability for damages against you to compensate my Client, several of your actions attract penal provisions under the Indian Penal Code and the Information Technology Act, 2000 and the Rules made thereunder. We reserve all rights to initiate criminal actions against you using

47

Jaiveer Shergill
Advocate

9

C-216, Defence Colony,
New Delhi 110 024
Tel: +91-11-46150757, 46160757
Mobile: +91-9910470757
E-mail: jaiveer@shergilloffice.com

the due process of law, apart from and in addition to civil, tortious, and all other remedies, statutory or otherwise, both in India and United Kingdom, individually, jointly or collectively as also anywhere else where copy of the offending portions are published or are accessible.

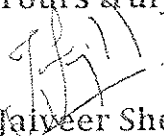
19. We therefore demand that the book titled 'Honour Bound' be recalled forthwith by you and the defamatory portions of the book be deleted. You are further put to notice that you must tender an unconditional apology in the form of an affidavit sworn and attested before an Executive Magistrate specifically stating that you regret your statements and unconditionally withdraw them. You are also put to notice to publish an apology in Times of India as well and to unconditionally withdraw all offending portions of the book and of the interview within two weeks of receipt of this notice from all places, including Amazon & similar websites. This is in addition to the obligation of the book publisher & article publisher TOI to each publish a categorical and unending retraction.

You are required to comply with the above demands forthwith and in any case no later than 15 days from the receipt of this notice, failing which my client shall be constrained to initiate appropriate criminal and civil actions against you as per law, entirely at your risk and cost.

Take full notice accordingly.

Please note that this is copied to Times of India as also to Harper Collins, the publisher of the Book.

Yours truly


Jaiveer Shergill
Advocate

Settled by:
Prashanto Chandra Sen
Senior Advocate

48

Jaiveer Shergill
Advocate

10

C-216, Defence Colony,
New Delhi 110 024
Tel: +91-11-46150757, 46160757
Mobile: +91-9910470757
E-mail: jaiveer@shergilloffice.com

CC:

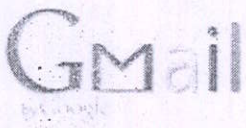
1. Mr Anant Padmanabhan, CEO
Harper Collins Publishers India
Block A, 75, Kamal Marg, Block A, Sector 57,
Noida, Uttar Pradesh 201307
2. The Editor-in-Chief
Times of India, Newspaper & Publication
Times Center, FC-6, 1st Floor
Film City, sector 16-A, Noida-201301

Annexure - E

44

3/3/2020

Gill & Co. Mail - Legal Notice-Criminal & Civil Defamation-on behalf of Dr Abhishek Singhvi, Sr Advocate & Member Parliament, India



Jaiveer Shergill <jaiveer@shergilloffice.com>

Legal Notice-Criminal & Civil Defamation-on behalf of Dr Abhishek Singhvi, Sr Advocate & Member Parliament, India

1 message

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: "Jaiveer@shergilloffice.com" <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 1:14 PM

Dear Mr Shergill,

I have received yesterday an email below from you which purports to be a libel notice. Your libel notice is defective as it has not specified the precise words complained of which a libel notice is required, in law, to precisely state. So what I have said below is therefore without prejudice to this position.

I see little or no legal merits in any of the allegations.

I have said nothing derogatory in my book about Dr Abhishek Singhvi. In the International Arbitration case hearing before me which was 25 years ago, he was indeed a junior counsel at that time. This is a true fact and cannot therefore constitute libel.

About late Dr LN Singhvi what I have said is what I believe to be honest and true to my knowledge. In any case, the passages in the book about late Dr LN Singhvi are covered by exception pertaining to such acts of public servant, He was at that time a public servant in his capacity as the High Commissioner in London..

I have also been informed today by senior journalist Bachi Karkaria, (who is the same journalist the publication of whose interview with me your client is complaining of) that she received this morning on her table from Dr Singhvi's (no doubt for a book review) his own book which he has just published titled "From the Trenches -India's top lawyer on his most important cases". Could it be that that Dr Singhvi is possibly upset because of the fear that my book might lessen the thunder for his book or that in a convoluted way he is seeking to promote his book by threatening me with libel? I do not know the answer.

50

3/3/2020

Gill & Co. Mail - Legal Notice-Criminal & Civil Defamation-on behalf of Dr Abhishek Singhvi, Sr Advocate & Member Parliament, India

This thought arises in my mind because Dr Singhvi rather unusually and possibly improperly also ran to the press on the same day as your email to me, to get published in the Bar and Bench newspaper a lengthy news report on his intentions to complain of libel against me, which the newspaper regrettably published without inviting me to comment. This could also said to be a wrongful act on part of Dr Singhvi. I however do not intend to quarrel with Dr Singhvi and will now treat the matter to be closed.

Kind regards

Sarosh Zaiwalla
Senior Partner

Zaiwalla & Co
solicitors



Chancery House, 53-64 Chancery Lane, London WC2A 1QS

Tel: +44 (0)20 7312 1000 | DX: 42 Chancery Lane

Ranked in The Legal 500 2020 as a Leading Firm for Litigation and International Arbitration

Ranked in Chambers & Partners 2020 as a Recognised Practitioner for Banking Litigation

Shortlisted for Litigation and Dispute Resolution Team of the Year in the British Legal Awards 2019

This e-mail is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately. You should not copy it or disclose its contents to any other person. Zaiwalla & Co Limited is registered in England and Wales (registered company number 12127938) and is authorised and regulated by the Solicitors Regulation Authority. Any reference to the word 'Partner' is either a director of the company, an employee or a consultant with the equivalent standing and qualifications.

From: Jaiveer Shergill <jaiveer@shergilloffice.com>
Sent: 02 March 2020 06:33
To: Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
Cc: saroshzaiwalla@hotmail.com



Dear Mr Shergill,

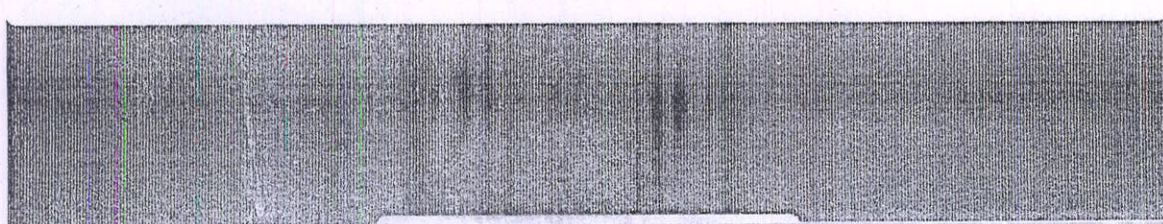
I have received yesterday an email below from you which purports to be a libel notice. Your libel notice is defective as it has not specified the precise words complained of which a libel notice is required, in law, to precisely state. So what I have said below is therefore without prejudice to this position.

I see little or no legal merits in any of the allegations.

I have said nothing derogatory in my book about Dr Abhishek Singhvi. In the International Arbitration case hearing before me which was 25 years ago, he was indeed a junior counsel at that time. This is a true fact and cannot therefore constitute libel.

About late Dr LN Singhvi what I have said is what I believe to be honest and true to my knowledge. In any case, the passages in the book about late Dr LN Singhvi are covered by exception pertaining to such acts of public servant, He was at that time a public servant in his capacity as the High Commissioner in London..

I have also been informed today by senior journalist Bachi Karkaria, (who is the same journalist the publication of whose interview with me your client is complaining of) that she received this morning on her table from Dr Singhvi's (no doubt for a book review) his own book which he has just published titled "From the Trenches -India's top lawyer on his most important cases". Could it be that that Dr Singhvi is possibly upset because of the fear that my book might lessen the thunder for his book or that in a convoluted way he is seeking to promote his book by threatening me with libel? I do not know the answer.



13:15

4G

52



This thought arises in my mind because Dr Singhvi rather unusually and possibly improperly also ran to the press on the same day as your email to me, to get published in the Bar and Bench newspaper a lengthy news report on his intentions to complain of libel against me, which the newspaper regrettably published without inviting me to comment. This could also said to be a wrongful act on part of Dr Singhvi. I however do not intend to quarrel with Dr Singhvi and will now treat the matter to be closed.

Kind regards

Sarosh Zaiwalla

Senior Partner

Zaiwalla & Co
solicitors

Chancery House, 53-64 Chancery Lane, London WC2A 1QS

Tel: +44 (0)20 7312 1000 | DX: 42 Chancery Lane

Ranked in The Legal 500 2020 as a Leading Firm for Litigation and International Arbitration

Ranked in Chambers & Partners 2020 as a Recognised Practitioner for Banking Litigation

Shortlisted for Litigation and Dispute Resolution Team of the Year in the British Legal Awards 2019

This e-mail is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately. You should not copy it or disclose its contents to any other person. Zaiwalla & Co Limited is registered in England and Wales (registered company number 12127938) and is authorised and regulated by the Solicitors Regulation Authority. Any reference to the word 'Partner' is either a director of the company, an employee or a consultant with the appropriate training and qualifications.

2:49

4G

53



Sarosh Zaiwalla 3 Mar

to me, Emily



Dear Mr Shergill

In my email below I have said that I have no intention to quarrel with Dr Singhvi. He had appeared before me as counsel in a heavy International Arbitration case and I have always personally had respect for him. We had also worked together for a time in one of Chandraswami's case where I had instructed him.

This being so I would like to maintain our respect for each other. What I have said in my book is what I believe to be true to my knowledge. I had no intention to hurt Dr Singhvi or his family. I apologise if he or his family's feelings have been hurt.

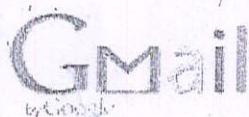
Please pass this email to Dr Singhvi.

Regards



Sarosh Zaiwalla 9 Mar

Dear Sir I have still not received your letter of 2nd...

**ANNEXURE - ⑤**

Jaiveer Shergill <jaiveer@shergilloffice.com>

69

54

re Professional misconduct on your part and claim against you damages for libel and/or malicious falsehood published at your instance by Bar and Bench

7 messages

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: "jaiveer@shergilloffice.com" <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 3:00 PM

K

URGENT and IMPORTANT

Dear Sir

It has come to my attention that you have caused to be published internationally your letter to me of 2nd March said to be a libel notice in which you have made rash and untrue personal allegations against me. I had up until now not received or seen this letter and I saw your letter only this morning on internet google news in London.

Your personal conduct of sending this letter to the Press even before I had received this letter indicates an intention to cause malicious personal harm to me. It also breaches the professional privilege normally attached to communication from a lawyer because your conduct of releasing your letter to the press would suggest both professional misconduct and inherent malice.

I must therefore place you notice that I am at present considering (1) reporting your conduct to the Bar Council of India for their consideration and (2) issuing proceedings in the English court against you personally seeking damages for libel and or malicious falsehood. Your letter was published by google news in UK and therefore English Court will have jurisdiction.

If you were not the source of passing your letter to the press kindly as a matter of urgency let me know, in which event please inform me who to your knowledge had passed your letter to the Bar & Bench newspaper.

I am also at present considering issuing libel proceedings against Bar & Bench newspaper for an entirely false allegation that I had alleged that "a certain Indian lawyer was responsible for handing an envelope _____ to close its enquiry into Bofors case." The fact is as my book makes it clear that this allegation had been made by the the Swiss Foreign minister and not by me.

I await hearing from you.

Your Sincerely

Sarosh Zaiwalla

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a safer and more useful place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: "jaiveer@shergilloffice.com" <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 3:02 PM

URGENT and IMPORTANT

Dear Sir

It has come to my attention that you have caused to be published internationally your letter to me of 2nd March said to be a libel notice in which you have made rash and untrue personal allegations against me. I had up until now not received or seen this letter and I saw your letter only this morning on internet google news in London.

Your personal conduct of sending this letter to the Press even before I had received this letter indicates an intention to cause malicious personal harm

54
56

to me. It also breaches the professional privilege normally attached to communication from a lawyer because your conduct of releasing your letter to the press would suggest both professional misconduct and inherent malice.

I must therefore place you on notice that I am at present considering (1) reporting your conduct to the Bar Council of India for their consideration and (2) issuing proceedings in the English court against you personally seeking damages for libel and or malicious falsehood. Your letter was published by google news in UK and therefore English Court will have jurisdiction.

If you were not the source of passing your letter to the press kindly as a matter of urgency let me know, in which event please inform me who to your knowledge had passed your letter to the Bar & Bench newspaper.

I am also at present considering issuing libel proceedings against Bar & Bench newspaper for an entirely false allegation that I had alleged that "a certain Indian lawyer was responsible for handing an envelope _____ to close its enquiry into Bofors case." The fact is as my book makes it clear that this allegation had been made by the the Swiss Foreign minister and not by me.

I await hearing from you.

Your Sincerely

Sarosh Zaiwalla

[Quoted text hidden]

Jaiveer Shergill <jaiveer@shergilloffice.com>
To: Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 3:42 PM

Mr Zaiwala,

I, write to you in the capacity of lawyer of Dr AM Singhvi.

3/5/2020

Gill & Co. Mail - re Professional misconduct on your part and claim against you damages for libel and/or malicious falsehood publishe...

Firstly, your this notice to me (personally) smacks of contradictions and lies. You have stated that "until now" (which means 3rd march 3:00pm-IST) you had not received or seen the Legal Notice and only saw this in the morning on google news. This assertion is an absolute lie considering the fact that legal Notice was served to you via Email yesterday 2nd March 2020 at szzaiwalla@zaiwalla.co.uk and saroshzaiwalla@hotmail.com to which you yourself have replied via email acknowledging email dated 2nd March 2020.

Secondly, making legal career through media sensationalism might be your cup of tea but not mine. I deny releasing any documents to any media house.

Thirdly, neither you are my client nor my communication with you can be classified as confidential or privileged. I have sent you the legal notice to you in the capacity of a lawyer representing a client contemplating to sue you for defamation.

Fourthly, a person who has written/given interviews attributing remarks to former Chief Justice of India (Justice Patnaik), alluding that he was under "pressure" to give favourable award (in TOI interview dated 23/02/2020) and maligning the high members of the Judiciary should not preach about professional conduct of a lawyer.

Lastly, as unsolicited advise, you are free to make investigations from Google or whoever you like regarding source of news.

Thanks

Jaiveer Shergill
Advocate, Supreme Court of India
C-216 Defence Colony
New Delhi-110024
Ph: +91-11-46150757/46160757

[Quoted text hidden]

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: Jaiveer Shergill <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 4:58 PM

Dear Mr Shergill

"Manners Maketh Man" it is said. A lawyer should never get so involved in a client's case that he loses his manners. Your refusal to affix the usual "Dear" before my name is not a problem for me but risks shaming the Indian legal profession which is well known internationally for its courteous and good manners. I will take such action as necessary and advised. God Bless.

regards

Sarosh Zaiwalla
Senior Partner

Zaiwalla & Co
solicitors



Chancery House, 53-64 Chancery Lane, London WC2A 1QS

Tel: +44 (0)20 7312 1000 | DX: 42 Chancery Lane

Ranked in The Legal 500 2020 as a **Leading Firm** for Litigation and International Arbitration

Ranked in Chambers & Partners 2020 as a **Recognised Practitioner** for Banking Litigation

Shortlisted for **Litigation and Dispute Resolution Team of the Year** in the British Legal Awards 2019

This e-mail is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately. You should not copy it or disclose its contents to any other person. Zaiwalla & Co Limited is registered in England and Wales (registered company number 12127938) and is authorised and regulated by the Solicitors Regulation Authority. Any reference to the word 'Partner' is either a director of the company, an employee or a consultant with the equivalent standing and qualifications.

[Quoted text hidden]

[Quoted text hidden]

Jaiveer Shergill <jaiveer@shergilloffice.com>
To: Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 5:02 PM

Mr Zaiwalla,

I wrote to you professionally as a lawyer. However, you without making any enquiries with me alleged professional misconduct on my part for reasons best known to you. Professional manners include making enquiries before making scathing allegations and reaching conclusions which is not expected from a senior in the profession like yourself.

Have a good day ahead.

Thanks

[Quoted text hidden]

--
JS

Zaiwalla & Co
solicitors



image001.png
9K

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: Jaiveer Shergill <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 5:10 PM

Dear Mr Shergill

You have not answered who gave a copy of your letter dated 2nd March to Bar and Bench. Kindly be so good to answer this. Kindly answer this. Bar and Bench could not have broken into your office to obtain a copy of your letter. Are you saying it was not unprofessional for your letter to be passed on to press even before I had received it.

3/5/2020

Gill & Co. Mail - re Professional misconduct on your part and claim against you damages for libel and/or malicious falsehood publishe...

WWW.LIVELAW.IN

59

Regards

[Quoted text hidden]

[Quoted text hidden]

Jaiveer Shergill <jaiveer@shergilloffice.com>
To: Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 5:23 PM

Mr Zaiwalla,

Regarding this -I have responded to you via my email dated 3rd March 2020 sent on 15:42pm -IST. I have nothing more to comment on this matter.

Thanks

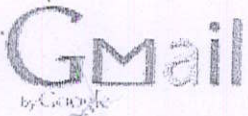
[Quoted text hidden]

JS

Zaiwalla & Co
solicitors



image001.png
9K



Jaiveer Shergill <jaiveer@shergilloffice.com>

53
60

Legal Notice-Criminal & Civil Defamation-on behalf of Dr Abhishek Singhvi, Sr Advocate & Member Parliament, India

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: "jaiveer@shergilloffice.com" <jaiveer@shergilloffice.com>
Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Tue, Mar 3, 2020 at 5:23 PM

Dear Mr Shergill

In my email below I have said that I have no intention to quarrel with Dr Singhvi. He had appeared before me as counsel in a heavy International Arbitration case and I have always personally had respect for him. We had also worked together for a time in one of Chandraswami's case where I had instructed him.

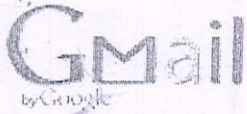
This being so I would like to maintain our respect for each other. What I have said in my book is what I believe to be true to my knowledge. I had no intention to hurt Dr Singhvi or his family. I apologise if he or his family's feelings have been hurt.

Please pass this email to Dr Singhvi.

Regards

[Quoted text hidden]

[Quoted text hidden]



Jaiveer Shergill <jaiveer@shergilloffice.com>

61

(no subject)

1 message

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>

Wed, Mar 4, 2020 at 5:09 PM

To: Jaiveer Shergill <jaiveer@shergilloffice.com>

Cc: Emily Simons <Emily.Simons@zaiwalla.co.uk>

Shergill

Since you and your client decided to display despicable conduct of going public with the libel notice without my knowledge I have receiving loads of messages of support with many of them very hostile to Dr Singhvi. I feel compelled to share some of the milder ones with Dr Singhvi. I am sending these separately to you.

SZ

Sent from my iPhone

Disclaimer

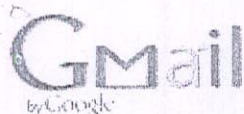
The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

62

3/5/2020

Gill & Co. Mail - Press Release re Libel Notice 04 03 2020.pdf



Jaiveer Shergill <jaiveer@shergilloffice.com>

Press Release re Libel Notice 04 03 2020.pdf

1 message

Sarosh Zaiwalla <Sarosh.Zaiwalla@zaiwalla.co.uk>
To: Jaiveer Shergill <jaiveer@shergilloffice.com>

Wed, Mar 4, 2020 at 11:35 PM

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

2 attachments **Press Release re Libel Notice 04 03 2020.pdf.pdf**
37K **ATT00001.txt**
1K

Press Release

Publication of Libel Notice in the press issued by Dr Abhishek Singhvi relating to the book 'Honour Bound' authored by Sarosh Zaiwalla

Statement by Sarosh Zaiwalla
04 March 2020

"What I have said in my book 'Honour Bound', published by Harper Collins India is the truth and nothing but the truth. There will be evidence of what I have wrote and I intend to stand by it.

Dr Singhvi is attempting to misconstrue what I have said in my book. He is merely trying to bully with a press campaign.

It was wrong and despicable of Dr Singhvi and his lawyer to rush for the publication of his libel notice, which contains dishonest defamatory statements, before I had even received the libel notice from his lawyer. It was equally wrong for Bar & Bench newspaper of India to publish the libel notice, which I am still yet to receive, without first inviting me to comment.

Libel proceedings are to be decided in court and not by a press campaign.

Dr Singhvi has no case for libel. If he had a strong case, he would not have initiated an undignified bullying press campaign".

Sarosh Zaiwalla

ZAIWALLA & CO LLP
Chancery House,
53-64 Chancery Lane
London, WC2A 1QS
Tel: 020 7312 1000 Fax: 020 7404 9473

89
64

IN THE COURT OF LD CHIEF METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW
DELHI

Complaint Case No. of 2020

In the matter of:

Dr. Abhishek Singhvi

... Complainant

Versus

Sarosh Zaiwalla

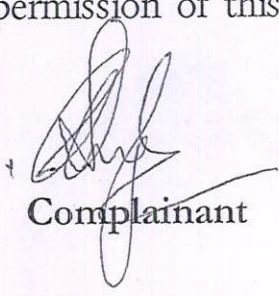
... Accused
PS: Tilak Marg

LIST OF WITNESSES

1. Dr. Abhishek Singhvi (Complainant herein)
2. Sh. Sumit Chander, Advocate
3. Any other witness with the due permission of this Hon'ble Court.

Place: Delhi

Dated: 11.03.2020 Through


Complainant

Advocates

65

IN THE COURT OF 1d CMM, Palika House Courts, New Delhi

Suit /Appeal No. _____

In Re:-

Dr. Abhishek Singhvi,

Piff / Applt. / Petitioner / Complainant

VERSUS

Sarosh Zainulla.

Defdt. / Respt. / Accused

KNOW ALL to whom these present shall come that I, Abhishek Singhvi, The above
named Complainant do hereby appoint.

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize them:-To act, appear and plead in the above -noted cause in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings

The deposit, draw and receive money, cheque/s, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertaken that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution on the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I/We will not be entitled for the refund of the same in any cause whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been under stood by me/us on this.....11th..... Day of March.....2020

Accepted subject to the terms of the fees.

Advocate

Client



(Dr) Abhishek Singhvi