

GUNJAN MANGLA
ADVOCATE

CHAMBERS OF MR. MAHESH JETHMALANI, 29, Jolly Maker Chamber-II,
Nariman Point, Mumbai-400 021, 022-22820550, gunjan1@gmail.com

BY REGD. POST AD/ COURIER/ HAND/EMAIL

September 14, 2018

1. Mrs. Amrita Gujral Sachdev,
302 Lake View-2, Royal Palms,
Aarey Milk Colony, Goregaon East,
Mumbai - 400065

2. Mr. Sumeet Sachdev,
302 Lake View-2, Royal Palms,
Aarey Milk Colony, Goregaon East,
Mumbai - 400065

Dear Madam/Sir,

I am concerned for my client Advani Hotels & Resorts India Limited, whose Registered Office is situated at 18 A / B, Jolly Maker Chambers II, Nariman Point, Mumbai - 400 021 and which owns a hotel called 'Caravela Beach Resort' at Goa who has placed in my hands your petition published on a web portal namely change.org, circulated on Facebook and via WhatsApp to various individuals and groups with a view to defame and tarnish my client's image and reputation in public esteem. My client has instructed me to issue the present notice. The facts leading up to the offences committed by You Nos. 1 and 2 others are as under:-



1. My client Advani Hotels & Resorts (India) Ltd., previously known as Ramada Hotels (India) Ltd., is a public limited company incorporated in March 1987. The Company has been promoted by Mr. Sunder G. Advani and Mr. Haresh G. Advani. The Company was originally promoted in technical and financial collaboration with Ramada (U.K.) Limited for setting up a 5-star luxury beach resort at Varca, Goa. The Company owns and manages a 5-star deluxe luxury beach resort, 'The Caravela Beach Resort' (previously known as Ramada Renaissance Resort, subsequently the Ramada Caravela Beach Resort, Goa), which is spread over 24 acres.
2. It is stated on behalf of my client that a notice for termination was issued to you vide notice dated 11.08.2018 which was dispatched through registered post. Pursuant to the receipt of the said termination notice You No.1 started a petition on [change.org](https://www.change.org) which was circulated on Facebook and also on WhatsApp to various employees and hotel groups making certain false and incorrect claims against my client which are defamatory in nature and have caused serious damage to my client's reputation. It is stated on behalf of my client that while the rest of your public outpouring concerned with the alleged dealings and interactions with my client's Director Mr. Prahlad Advani, while he was acting on behalf of the company, the same will be dealt with separately by him at an appropriate stage. The allegations which are defamatory in nature against my client are set out hereinbelow.
3. In sum and substance the defamatory imputations published by you in public domain are as under:



- (i) "STOP HARASSMENT AT WORK! Why did you increase the tenure of maternity leave, Mr. Modi? It's a matter of discontent with employers."
- a. The imputation suggests that we being your employers are dissatisfied with the maternity leave provisions under the Maternity Benefit Act 1961. Nothing can be further from the truth, the said imputation by you is false and defamatory.
- (ii) "Employers harassment over maternity leave because of personal issue causes loss of innocent CHILD'S LIFE"
- a. My client has never harassed you over maternity leave. You must be aware that maternity leave is available to an employee eight weeks prior to delivery as per the Maternity Benefits Act 1961.
- b. There is no evidence whatsoever that you were harassed over maternity leave by my client. In August 2018 as aforestated the question of maternity leave was a non issue.
- c. It is grossly defamatory of both of you to suggest that my client has any personal issue with either of you and/or that any personal issue was responsible for the loss of an innocent child's life.



It is further stated that the said petition has also been circulated by you Nos.1 and 2 on various WhatsApp groups; to all the employees of my client and also emailed to various eminent personalities. The said petition has also been circulated on various social media platforms such as Instagram, LinkedIn, Twitter, etc. In the WhatsApp forwarded by You Nos. 1 and 2, containing the said petition you Nos.1 and 2, have made further defamatory remarks towards my client which are as follows:

- (iii) "Ehan was murdered!!! All because the maternity leave policy was increased but not executed properly by this Goa hotel to save money..."

My client states that the above allegations are malicious and ex-facie

libelous for the following reasons:

- a. As hereinabove mentioned the issue of maternity leave had not arisen since your eligibility for the same would arise several months later.
- b. Your imputation that the policy was not executed properly by 'this Goa hotel' is meaningless and manifestly false as the question of executing this policy never arose in your case and there is not another instance of any other employee where the statutory Maternity Leave Policy was not being executed properly by my client or 'the Goa hotel'.
- c. Your assertion that the non-execution of the maternity leave policy was actuated by my client desire "to save money" is reckless, malicious and blatantly false.



4. On the contrary my client is constrained to draw your attention to the termination notice dated 11th August, 2018 sent to you, in which my client has categorically asserted that it will pay all legal dues that you are entitled to. This would include any maternal benefits if you are entitled to the same.

5. It is stated on behalf of my client that various incidents were brought to their notice which has resulted in my client's decision to terminate your employment. You are presumably aware that gross insubordination and loss of confidence are grounds for termination of your services as per the terms and conditions of your appointment letter of August 1, 2016. You are presumably also aware that loss of confidence by the management of the company in you is a ground for terminating your services without assigning any reasons. The Chairman & Managing Director and Executive Director decided your termination and they have approved termination of your services and the management of the company have lost confidence in you for several reasons out of which two grounds most proximate to the date of your termination are as follows:

- (i) The Company's General Manager (Corporate- Finance), namely Mr. Ajay Vichare informed my client that when he met you no.1 on Friday, August 3, 2018 in Goa, you enquired with him whether my client was thinking of appointing some senior officer in the sales and marketing department. You No.1 then went on to threaten him that in the event someone is appointed who could potentially replace you in future, you will sue my client. This conduct reflects gross insubordination

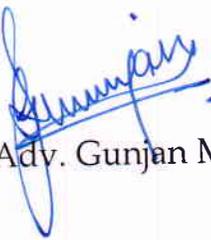
and was a matter of grave concern to the company and its management.

- (ii) My client was informed by the Hotel Manager Mr. Prasad Kanoth, that you no.1 during the meeting on Saturday, 4th August, 2018 at Goa in the presence of various employees; senior officials of the company and external consultants, stated that certain individuals [whilst pointing at one Mr. Sourav Panchanan] were getting promoted arbitrarily and you on the contrary being the Vice President - Sales and marketing was not being promoted to the post of Senior Vice President- Sales and Marketing. My client's senior officials were shocked and surprised by such remarks being made by you no.1 as the occasion and the forum was extremely inappropriate for such unprofessional comments. It is stated that if you No.1 had any issues or discomfort regarding your position at the company, it could have easily been addressed by you with any of the senior officials of the company at the appropriate time and place, and by following the necessary protocol.
6. On behalf of my client I have to state that the imputations widely circulated by you in the print, electronic and social media are grossly defamatory of my client's reputation and have caused my client incalculable commercial harm. The said imputations render you liable for both civil and criminal defamation.
7. In the premises I am instructed to call upon you to withdraw the false malicious and defamatory petition circulated by you on social media platforms such as Facebook, any WhatsApp

groups/messages, Instagram, LinkedIn, Twitter, email etc., and various Web portals.

8. You are further called upon to tender an unconditional apology to my client for all the defamatory imputations against it and as more particularly set out hereinabove within 72 hours of the receipt of this notice by you.
9. You are further called upon to cease and desist from making any further defamatory imputations against my clients its officers and employees in future.
10. In the event of your failure to comply with all the requisition made herein you are hereby informed that my client will forthwith initiate proceedings against you both for the tort and crime of defamation at your sole risks to costs and consequences.

Yours Truly,



Adv. Gunjan Mangla