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✓  
**BY E-MAIL / SPEED POST**

**WITHOUT PREJUDICE**

14<sup>th</sup> July, 2018

1. ✓ Mr. Arnab Goswami  
Editor-in-Chief/Co-founder  
Republic TV  
Bombay Dyeing Compound,  
Worli, Mumbai 400 018  
Email: contact@republicworld.com
2. Ms. Prema Sridevi  
Editor, News and Special Projects  
Republic TV  
Bombay Dyeing Compound,  
Worli, Mumbai 400 018  
Email: prema.sridevi@republicworld.com

Dear Sir/Madam,

**Our Clients:** Shri Robert Vadra and Sky Light Hospitality LLP

**Sub:** Defamatory statements made against our Clients in your broadcast held on 25.06.2018 in your channel, "Republic TV" around 5:00 PM and onwards.

We are addressing this legal notice to you under instructions from and on behalf of our Clients above mentioned:

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1. On 25.06.2018, your channel, "Republic TV" telecasted the show titled "Vadra Papers" around 5:00 PM and also held a panel debate, "Arnab Goswami on the debate" aired at 9:00 PM on the issue of assessment proceedings and the content of the notice issued by the Income Tax Department to our Clients. In this show you have made wild and false statements and aspersions on the integrity of our Clients and inter alia, categorically stated our Clients' name to stand for "dirtiest form of nepotism, lowest form of corruption and highest form of opportunism" and further stated "Our Client to be above law" and that "Our Client is symbol of everything rotten that existed" and "Our Client is symbol of everything rotten has set in the establishment". The entire thrust of your broadcast was to falsely and maliciously defame our Clients by falsely accusing our Clients with charges of tax evasion alleged to have been done under the cover of the Congress Government in the year 2010-2011 by not disclosing Rs. 42 crore in their submitted IT returns. Further our Clients have been alleged to have taken benefits for themselves in DLF deals with the help of Congress government. Such false and wild allegations of misconduct and wrong doing leveled against our Clients by you the addresses is an expression of your malafide intent and motive to malign and lower the image of our Clients before the public at large.
2. In the said broadcast our Client's integrity was repeatedly questioned wherein it was alleged that our Client had declared his income to be Rs. 36 lakhs in the assessment year 2010-2011, whereas his undeclared income has come to around Rs. 42 Crores.



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3. Without prejudice, the selective leak of information relating to our Clients has led the public to believe that there is income that is not declared to the extent of Rs. 42 crores and there is a corresponding tax demand of Rs.25 crores demanded by the Income Tax Department, which our Clients have not paid. Also, it has been falsely stated on the television show that our Clients are left with no remedy as the Hon'ble High Court and the Hon'ble Supreme Court has rejected the appeal of our Clients.
4. You and Income Tax Department have also intentionally suppressed the fact that the subject transaction of sale of land was duly declared by our Clients on which capital gains tax was also paid in the relevant financial year. The public at large is being falsely led to believe by you and the Income Tax Department that there is a new finding by the Income Tax Department of an alleged "undisclosed" source of income which is patently false to the knowledge of the Income Tax Department.
5. Further you have falsely alleged that the tax demand of Rs. 25 crores has been evaded by our Clients whereas the alleged demand from the income tax authorities is around Rs. 15 crores which is under dispute and adjudication before the income tax authorities. Further, our Clients have in terms of the applicable CBDT circular duly deposited the requisite payment of 20% of the disputed demand pending hearing of the appeal and therefore, even in the worst scenario, the outstanding sum is only Rs. 12 crores and not Rs. 25 crores as has been deliberately and intentionally projected on your channel. Even this amount is disputed by our Clients and is pending adjudication before the statutory appellate authority.



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6. Without prejudice, our Clients state that such misleading and selective leak of private and confidential information relating to our Clients has led the public to believe that there is income that is not declared to the extent of Rs. 42 crores and there is a corresponding tax demand of Rs.25 crores demanded by the Income Tax Department, which our Clients have not paid which is patently false to the knowledge of the Income Tax Department.
7. It was also misrepresented by you that our Clients are left with no remedy as the case already stands decided against our Clients by the Hon'ble High Court and Hon'ble Supreme Court. This is another intentional false statement as the Hon'ble High Court and Hon'ble Supreme Court only decided upon the jurisdictional aspect. The merits of the case has been left open and presently the matter is sub-judice.
8. The said broadcast is based on false factual premises with a clear ulterior malicious motive of demeaning our Clients in the eyes of public. Further, it is also to be taken into account that Income tax proceedings are confidential and extremely private to any individual and are not available in public domain without the consent of the concerned person.
9. The above sequence of events are to bring your notice the manner in which the selective leakages has resulted in a grave and serious reputational damage to our Clients by misleading the public at large that our Clients have undeclared income and have evaded tax which is factually and legally



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incorrect. Our Clients are shocked and surprised with such conduct and reiterate that your allegations against our Clients are false, defamatory, malicious and totally unwarranted.

10. Please note that our Clients are law abiding citizens / LLP in India having Permanent Account Numbers and are regular tax assessee under the Income Tax Act, 1961 and has been duly filing income tax returns under the provisions of the said Act and the rules framed thereunder.
11. All matters or demands, if any, relating to income tax are statutory required to be dealt in the manner prescribed under the said Act and rules and not propagated and twisted in the media for malicious propaganda and defamation and for ulterior political motives and/or with the object to increase the revenues and TRP of the channel and/or publicity of their anchors and promoters for their selfish personal interest.
12. Further, our Clients are shocked and surprised to note how you have procured a copy of the income tax proceedings which are private and confidential. It is obvious that such sensitive, private and confidential information and documents has been intentionally leaked and passed on to you by the Income Tax Department and other government officers under orders of and to please the current political masters out of political vendetta and in order to create a public sensation by maligning and defaming our Clients, their shareholders, partners, directors, officers and employees and to prejudice the pending adjudication of our Clients' proceedings.



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13. You along with the Income Tax Department and other departments have committed breach of confidentiality by disclosing the income tax details of our Clients in contravention of the mandatory provisions of Section 138 of the Income Tax Act, 1961 which categorically prohibits disclosure of such information.
14. You along with the Income Tax Department have violated the right to privacy enshrined under Article 21 of our Clients by disclosing/ leaking of personal and confidential information and documents of our Clients.
15. In view of the fact that there has been a blatant abrogation of the fundamental right to dignity guaranteed in favour of our Clients by the Constitution under Article 21, a breach of the rule of law embodied as a part of the basic structure of the Constitution which, *inter alia*, enshrines the principle of an obligation of the State to respect the privacy in respect of matters of the individuals contained in Section 138 of the Income Tax Act as well as the attempt to defame our Clients by taking recourse to you and various officers of the Income Tax Department, have committed acts which are in violation of law, but more particularly, of the Constitution itself. Our Clients call upon you to disclose whether you obtained full income tax details of our Clients or only certain selective aspects with the malafide intent of being twisted and broadcasted on your TV Channel. It is necessary for you to reveal whether the officials of Income Tax Department gave total information or chose to share only selective and manipulated information with you. Such information is necessary to enable our Clients to seek appropriate reliefs against the Income



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Tax Department, the officers concerned as well as you, your anchors, editors, employees and directors or any other concerned persons, as the case may be.

16. You will appreciate that the aforesaid leakages into the media has created grave apprehension in the mind of our Clients that they are being subjected to hostile political motivated media trial and our Clients and their directors/partners are being *ex-parte* held guilty through the media trial despite the matter being sub judice and pending before the Income Tax Department.
17. Our Client is a respectable man of the society and such deliberate and premeditated conduct of you and the Income Tax Department has made our Clients vulnerable to the public at large and as such derogatory, false and baseless remarks have been made in the said broadcast about our Clients which are highly defamatory of our Clients and made with the intention to defame our Clients. Our Client has suffered in his reputation and has been lowered in the estimation of his family, friends, associates and the public at large. Such aforesaid conduct on your part is also against the principles of natural justice and the confidentiality of income tax proceedings.
18. It is obvious that you have access to private and confidential records within the Income Tax Department and the Government of India and are hands in gloves with the said persons in propagating and disseminating in public their false, mischievous, motivated, political and criminal agenda.





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19. Our Clients expected you to adhere to the highest and strictest standard of journalistic ethics in broadcasting correct facts without being affected by attempts of vested interests to spread innuendoes and misinformation against our Clients.
20. The entire premise of your said broadcast is based on complete falsehood and facts stated therein and as negated above are completely wrong, incorrect, misleading and defamatory. Further such conduct of yours is motivated and is the outcome of political vendetta.
21. Your said broadcast reflects a complete lack of editorial integrity on the part of your anchor, editor and the channel given that multiple falsehoods were reported without even attempting to verify or confirm the truth. This is against the basic tenets of editorial ethics and integrity. No due care or attention was taken to establish the factual accuracy of your broadcast in terms of pre-publication verification from our Clients to elicit their version, comments or reaction and publish the same alongside your version with due corrections where necessary.
22. All your above statements are false and highly damaging to our Clients' reputation. You made several false, wild and reckless remarks without verifying facts and without any cogent evidence in support.





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23. You have made the defamatory and damaging remarks against our Clients with deliberate and malicious intention, which have severely harmed his reputation. Your aforesaid statements amount to defamation both civil and criminal under Section 499 of the Indian Penal Code punishable under Section 500 of the Indian Penal Code with imprisonment which may extend to 2 years.
24. You completely lost sight of the true and incontrovertible facts in your eagerness to broadcast a sensational but false and defamatory story in a hasty fashion at the behest of the current political dispensation. The entire tone, tenor and phraseology of your said broadcast are misleading and are laden with premeditated and deliberate fatal misstatements and inaccuracies.
25. Our Clients also deny and dispute all statements, averments, allegations, insinuations and innuendoes which are contrary to records and hereby cautions and calls upon you and puts you on notice to refrain from broadcasting or making or publishing any allegation or statement which is not true and relevant and in the public interest and in contravention of our Clients' right to privacy and dignity and to carry on with their life and business without harassment or interference.



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26. In view of the above, our Clients further call upon you to take necessary action immediately failing which our Clients shall be constrained to institute appropriate proceedings before the concerned competent authority against you and Income Tax Department for such gross misconduct, breach of confidentiality by leaking privileged information, breach of statutory provisions, dereliction of duty and violation of our Client's fundamental rights and demeaning our Client's reputation before the public at large.
27. Our Clients hereby call upon you to disclose how the aforesaid confidential information came into your possession and who are the persons working in Income Tax Department or within the Government of India or otherwise and who are your partners in this illegal and malafide conduct.
28. Our Clients hereby call upon you to immediately withdraw all the allegations and aspersions made by you against our Clients and tender an unconditional apology, with the same if not more prominence in your broadcast than the original defamatory content.
29. In case of failure to comply with this notice, you and your officers shall render yourselves jointly and severally liable to face appropriate civil as well as criminal proceedings under the relevant provisions of law at your risk as to cost and consequences.



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30. This letter is being sent without prejudice to any rights and contentions of our Clients and nothing contained herein should be considered as an admission of any fact or a waiver of any of the rights and remedies of our Clients.

Yours faithfully,  
For SUMAN KHAITAN & CO.

*S. Khaitan*  
(SUMAN JYOTI KHAITAN)