

Mr. Fraud Torrent

SpecialReport

with Torrent by Elder Pharma, which was signed by all C & F Agents and stipulated back to Elder for association by Torrent.

However, upon conclusion of the Business Transfer and exchange of consideration between the two companies, Torrent did not sign the Novation deed with the C&F Agents and the C&F Agents were made to believe that signing was not signing the Novation deed to the discretion of Torrent and nothing could be done about the same.

Torrent in its wilful and intentional before the Competition Commission of India got out approved from the said Commission against the Business Transfer Restructured. The C&F Agents allege that Torrent trade-bale representations before the Competition Commission and by playing a fraud misquoting Competition Commission to pass an order approving the Business Transfer.

The C&F Agents under the misquoting, belated and understated agreement of as-

sume Elder Pharma for their pending share and in this regard initiated arbitration proceedings and if an auxiliary proceedings against the Elder Pharma an Order was passed by the Bombay High Court directing Elder to furnish a bank guarantee against the dues of the C & F Agents. That during the proceedings before the Bombay High Court, Elder established the stance that the dues

A total of 17 C&F agents allege that the two companies — Torrent Pharma and Elder Pharma — in an organised manner, committed a multi-crore financial fraud



11.11.18 / 20 SEPTEMBER 2018

An answer question remained unanswered, till we asked Torrent to reply and the company confirmed that Deed of Novation was part of BTA.

Dear Mr Anuja

This has reference to your email dated 2nd July 2018. Our response was as under:-

1. In Deed of Novation, an integral part of the BTA dated December 11, 2013 signed by you and Elder Pharma.

"The draft version of Novation deed was part of the BTA"

2. The Deed of Novation was signed by the Director of Elder Pharma (Dr. Anand Kulkarni) and sent to all their C&F Agents (Agents who remain signed and returned to Elder Pharma for signature of Torrent (Shoulding party). You were obligated to sign the Deed as per terms of BTA. Did you sign the Deed of Novation? If not, why?

As per the condition of BTA, Elder was obligated to get the Novation deed signed from C&F by a particular date. Since the condition was not met, we were not obligated to pursue the same further.

3. Apart from Deed of Novation, a separate letter dated December 11, 2013 was issued for correction and correction in integral part of BTA and signed by you and Elder Pharma. Are you aware of the contents of this letter? We would be able to comment once we see the content of the letter you are referring.

Warm Regards

Jayesh Desai

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