

Adv. Rahul Ojha

Advocate, General Counsel, Govt of NCT, DELHI.

Advocate, Hon. High Court, Delhi

Standing Counsel, Foxhog Ventures Corp. USA | India Office

18 -08- 2024

BY: COURIER SPEED POST/ EMAIL /WHATSAPP

Legal Notice

To,

Shilpa alias,

Shilpa Rana,

D/o Babu Lal, Address : N113/236 Wazirpur JJ Colony North West

Delhi 110052 | Aadhar Number : 728350894939 | PAN : HTVPS8799R

Mob. Number: +91 78386 65432

Sub: Legal Notice for committing fraud and theft

Dear Madam,

Pursuant to the instructions from and on behalf of my client, Foxhog Ventures India Private Limited, through its Director and Authorized Representative, Tarun Kumar Poddar, I do hereby serve you with the following Legal Notice.

1- That my client is a financial Institution under the name and style of M/s Foxhog Ventures Corp. USA and Foxhog Ventures India Private Limited Registered Office at ; S-258, Greater Kailash Part 1, Delhi 110048.

2- That my client is engaged in the business of Financial Consultation and Business Consultation.

3- That You submitted a job Application to my Client wherein you had mentioned your educational qualification as an MBA from a premier college in the country. After qualifying the interview process of the Company, you were asked to submit the educational certificates in order to comply with the HR policy of the Company. However, for one reason or the other, you miserably failed to submit the same.

4. That your job Application was rejected due to failed document verification. However, it was portrayed by you that you were in dire need of securing a job. Thus, upon a promise made by you to submit the educational certificates in future, my Client, in good faith, granted you the opportunity and you joined Foxhog Ventures India Private Limited on Dec 27th 2023 as per your Letter of Offer issued by Foxhog Ventures India Private Limited Ref. Number FVC/IN/DL/2023U829IN/DELHI/Y8M/HY165TY1JY786.

5. It is important to note herein that till date you have not submitted any educational certificates. It is submitted that you have failed in complying with the HR Policies of the Company leading to speculations of submitting wrong information related to your educational qualifications.

6. As per the offer letter dated 27-12-2023, you joined the Company in the capacity of a Personal Assistant (PA) to Mr. Poddar, CEO of the Company. Thus, in order to perform your day-to-day functions, you were provided a digital pad. You were also given access to Company data (which includes confidential information pertaining to the business of the Company, contact details of the clients, etc.). My Client further entrusted you with the physical copies of the important documents of the Company and ID cards of various employees of the Company. It is important to note herein that at the time of joining, you had signed a Non-disclosure Agreement (NDA) , Employment Agreement and HR Policy with the Company.

7. During your tenure, your negligent attitude towards the work was observed multiple times leading to unsatisfactory quality of work. It was further observed that you were in gross disregard of the company rules and regulations as you were caught in mishandling Company data and committing financial fraud. That such activities constituted serious misconduct and fraud against my client. In view of the same, multiple verbal notices were given to you. However, as per good industry practice, my client gave you multiple opportunities to retain your job.

8. That over the period of time, the business of my Client was growing leading to exponential increase in the workload, thus, in order to share the workload, my Client hired more employees. However, my Client could not retain such employees and it was observed that such new joiners were resigning only in a few days. Upon inspection of the situation, it was found that such new joiners were being influenced by you to leave the job as you were spreading wrong and misleading information about my client and you yourself wanted no one else should come at the same position as accepted by you in writing.

9. Despite multiple opportunities being granted, you did not heed the same notwithstanding the fact that a repetition of such an activity will necessitate your dismissal. Once again, it was observed that you were involved in stealing the company's data in an unauthorised manner. It was further observed that you were miscommunicating with the Clients of the Company and spreading wrong and misleading information. As a result, my Client had to face a huge financial loss and a loss of reputation. Being caught red-handed, you again issued a written apology to my client that such activities will never be repeated.

11. Upon gaining knowledge of your unlawful activities, Ms. Ragini Vishwakarma, who is working as an HR representative with my Client, scheduled a virtual call with you to seek an explanation of your activities. However, to my Client's utter shock, you misbehaved with the HR representative. You further sent abusive messages to Mr. Poddar and said undignified words causing him mental harassment.

12. Thus, in the interest of the company and aggrieved by your activities, my Client was constrained to serve a Termination Letter dated 18-07-2024 upon you.

11. That your termination was based on the grounds of failed document verification, breach of privacy policy as per the Employee Agreement, misbehaving with the management and financial fraud. In the Termination Letter dated 18-07-2024 you were further directed to return the Company assets and confidential information and submit an apology letter in order to complete full and final settlement of her accounts.

12. However, contrary to the same and to my Client's utter shock, you failed to return the Company assets and continued to defame my client on public platform. Further, harassing messages were sent to Mr. Poddar in order to extort money from him. Please note that in the messages, you tried to blackmail Mr. Poddar that in case he fails to give you money, you will spread wrongful information about him in the public.

13. Thereafter on 02.08.2024, you submitted multiple apology letters wherein you promised to return the Company assets and intellectual property and will not repeat your activities in future.

14. Once again on 12-08-2024 Mr. Poddar requested you to return the Company assets. However, contrary to his expectations, in place of returning the Company assets, you visited the residence of Mr. Poddar to threaten him to give you money. Since Mr. Poddar was not available, he was informed by the security guard that you created a nuisance in the locality once again causing harm to my Client's reputation. That the security guard tried to stop you multiple times. However, you illegally trespassed at the residence of Mr. Poddar at F-29, Preet Vihar, Delhi-110092 and tried to commit theft.

15. After a request of your sister Ms. Kajal Rana, Mr. Poddar did not take any action against you on 12-08-2024 for causing nuisance and trespass. Even then your endeavours to extort money did not stop and as a result of your malicious intentions, on 17-08-2024, you contacted Mr. Poddar's wife Mrs. Priya Gupta for extorting money. Upon her refusal to intervene in the matter, you sent abusive messages to Mr. Poddar's wife causing harm to her dignity and mental harassment. Copies of WhatsApp messages exchanged between you and Mr. Poddar's wife are annexed for Court Record.

16. Aggrieved by the same, my Client was constrained to lodge a complaint of cyber crime against you, A copy of Police Complaint is kept for Record.

17. Despite the apology letters, you are still in possession of Company's Digital Tab along with Company's Physical document and intellectual property. Thus, you are liable for theft of Company Assets, constraining my Client to take a legal action against you.

15. That spite of acknowledging the liability of asset amounting to Rs. 8,56000.00- you have miserably failed to submit the company data and physical assets.

Hence you are liable to pay the balance amount of Rs. 8,56000.00- along with interest @ 12.5 % p.a. from the date of due till actual realization. 16—Thus, you are liable to pay the total amount of Rs. 8,56000.00 to the above-named client, and my above-named client is entitled to recover the same from you.

17- That my client requested you several times through telephonic messages and by sending personal messages to you and your sister and husband for the release of the said asset, but you have always been delaying the same on one pretext or the other and so far have not submitted

I, therefore, through this Notice finally call upon you to pay to my client Rs. 8,56000.00 along with future interest @ 12.5 % p.a. from the date of notice till actual realization of the said amount, together with notice fee of Rs. 10,000/- to my client either in cash or by demand draft or Cheque which ever mode suits you better, within clear 7 days from the date of receipt of this notice, failing which my client has given me clear instructions to file civil as well as criminal lawsuit for recovery and other Miscellaneous proceedings against you in the competent court of law and in that event you shall be fully responsible for the same.

A copy of this Notice has been preserved in my office for record and future course of action.

ADVOCATE RAHUL OJHA

