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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P.(I) (COMM.) 170/2019 & IAs. 16377/2019 and 17784/2019  
WALMARK HOLDINGS LIMITED ..... Petitioner  
Through: Mr. Rahul, Mr. Nitin Mishra and  
Mr. Vikas Bhadauria, Advs.

Versus

FORTIS HEALTHCARE LIMITED ..... Respondent  
Through: Mr. Rajiv Nayar, Sr. Adv. with  
Mr. H.S. Chandhoke, Mr. Saleem  
Hasan and Mr. Rohit Dahiya, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

% **24.02.2020**

The Ld. Counsel for the petitioner wishes to withdraw this petition.

At this stage, Mr. Rajiv Nayar, learned Sr. Counsel appearing for the respondent would contend that a specific stand has been taken by the respondent in its reply to the application being IA 16377/2019, wherein the following has been stated:

*III. xxxxxx*

*(f) This Hon'ble Court, while holding that the reliefs claimed in the petition under Section 9 stand withdrawn, must adjudicate upon the issue of the existence of the arbitration agreement. This Hon'ble Court must apply the principles under Section 340 of the Code of Criminal Procedure, 1973 ("CrPC") read with section 195 CrPC read with section 193, 196, 199, 200, 209, 464 and any other appropriate provision of the Indian Penal Code, 1860 ("IPC") to refer the matter to the appropriate authority to determine the veracity of the signatures of Mr. Bhavdeep Singh on the Draft Term Sheet. The Applicant / Petitioner must be put to terms on the claim regarding the due execution of the Draft Term Sheet by Mr.*

*Bhavdeep Singh and all data / information in this regard be put to scrutiny before a forensic auditor appointed by this Hon'ble Court.*

*(g) The perusal of the Petition and the documents attached thereto reveal the following officials of the Applicant / Petitioner involved in the forgery:*

- i). Dr. Wandschneider,*
- ii). Mr. Georg Ehrmann,*
- iii). Mr. David Baxi.*

*These must be put on notice and affidavits be obtained about the due receipt of the allegedly executed version of the Draft Term Sheet. This is necessary given the background under which unexecuted versions were sent by the Applicant / Petitioner's counsel vide email on 16.05.2018 and filed before courts in Delhi along with impleadment application on 04.07.2018, in contradiction to the affidavits of the Non-Applicant / Respondent and Mr. Bhavdeep Singh categorically stating that the Draft Term Sheet was executed.*

He seeks liberty to file an application under Section 340 Cr.P.C. in these proceedings (which have been disposed of) for taking action against the officers of the petitioner company including the deponent who filed the affidavit in support of the petition.

Granting liberty, the petition and the connected application (s) are dismissed as withdrawn.

**V. KAMESWAR RAO, J**

**FEBRUARY 24, 2020/jg**