IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MISCELLANEOUS PETITION NO. 1 OF 2026

Sharestates, Inc ...Petitioner

vs.

HDFC Bank Limited ...Respondent

Mr. Ankit Lohia with Mr. Rajendra Barot, Mr. Harshit Jaiswal, Mr. Himanshu K. and Ms. Priyanka Shetty i/b AZB & Partners for the Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 23rd MARCH, 2026

P.C. :

1. By this Miscellaneous Petition, the Petitioner has sought appointment of a local commissioner under the provisions of Section 78 read with Order XXVI Rule 19 of the Code of Civil Procedure, 1908 (the "CPC") for obtaining documents from the Respondent listed in Appendix A of the Letter of Request issued by the United States District Court for the Eastern District of New York (the "US District Court") on 2nd April, 2025, pursuant to Article 3 of the Hague Convention on taking of Evidence in Civil or Commercial Matters (the "Hague Convention"). Further relief is sought for the Commissioner to carry out exercise of the commission including the powers mentioned in prayer clause (b) of the Miscellaneous Petition.

2. The Petitioner is a private company incorporated under the laws of the State of Delaware, having its principal place of business in the State of New York and statedly in the business of creating customised lending solutions for real estate investors and developers in the USA.

3. The Respondent, HDFC Bank Limited is a public limited company incorporated under the Companies Act, 1956, having its registered office is in Mumbai.

4. The Petitioner, it has been stated, has instituted civil case bearing Docket No. 24-cv-00812-GRB-ST (the "Civil Case"), before the US District Court against (a) one Hari Maddali ("Maddali"), and (b) Copper Bricks LLC ("CB USA") (a wholly owned entity by Maddali). Maddali and CB USA are collectively referred to as the "Defendants".

5. Mr. Lohia, learned Counsel appearing for the Petitioner submits that the Civil Case seeks (amongst other reliefs of civil nature) recovery of funds misappropriated by Maddali, who served as the Chief Technology Officer (the "CTO") at the Petitioner's office from 2016. Maddali, as CTO, led the outsourcing of Information Technology services to overseas consultants ("Overseas IT Consultants"). It is submitted that to facilitate payments to these Overseas IT Consultants,

Maddali formed CB USA in 2016 to consolidate the Overseas IT Consultants' monthly invoices into a single invoice for the Petitioner. That however, in 2023, the Petitioner discovered that Maddali had transferred millions of dollars from CB USA to his personal bank account rather than remitting them to Overseas IT Consultants. In this regard, it is submitted on behalf of the Petitioner contents that between November 2016 and December 2023, CB USA remitted only approximately USD 2.1 million to Overseas IT Consultants despite invoicing the Petitioner an amount of approximately USD 9.3 million for their services, with the remaining funds diverted to Maddali's personal bank accounts and investments.

6. It has been submitted that the Defendants claim in the Civil Case is that the amount paid by the Petitioner to CB USA was not remitted directly to the Overseas IT Consultants by CD USA, but through a purported Indian entity, Copper Bricks Global Consulting ("CB India"), based in Hyderabad, Telangana.

7. Mr. Lohia submits that in support of this defence, the Defendants produced a heavily redacted statement of a bank account held by CB India in the Respondent bank for the period from January 1, 2022 to December 31, 2022 (the "Bank Statement"). That the Defendants

refused to provide any additional documentation to substantiate their defence that CB India had paid the Overseas IT Consultants.

8. Mr. Lohia submits that accordingly, in the Civil Case, the Petitioner had filed a request for issuance of a Letter of Request (the "LoR") pursuant to Article 3 of the Hague Convention, seeking assistance for obtaining documentary evidence from the Respondent enlisted in Appendix A of the LoR, which included documents such as a full and unaltered copy (without redactions) of the Bank Statement, documents concerning opening of CB India's bank account held with the Respondent, communication between the Respondent and the Defendants in the Civil Suit, etc.

9. Pursuant to the Petitioner's request, the US District Court has issued the LoR on 2nd April, 2025 statedly in accordance with the Hague Convention, seeking judicial assistance of the appropriate authority in India for obtaining documentary evidence from the Respondent as specified in Appendix A of the LoR, for use as evidence at trial in the Civil Case.

10. Mr. Lohia submits that on May 15, 2025, the Petitioner addressed a letter to the Respondents enclosing the LoR. On June 27, 2025, the

Respondent's Counsel responded to this letter by stating that the Respondent would consider the request, subject to the Hague Convention and the applicable Indian law, upon receipt of such request from the competent authority in India.

11. Mr. Lohia submits that, therefore, this Miscellaneous Petition has been filed to bring to the notice of this Court the LoR addressed by the US District Court for appointment of a commissioner for obtaining documentary evidence as enlisted in Appendix A of the LoR.

12. Mr. Lohia has submitted that although this Petition has been served none appears for the Respondent-Bank and this Court may accordingly allow the Application.

13. Under Order XXVI, Rule 19(1) of the CPC, for issuance of a commission for examination of a witness, the following requirements are necessary:

> (a) A foreign court situated in a foreign country wishes to obtain the evidence of witnesses in any proceedings before it;
> (b)The proceeding in the foreign court is of civil nature; and
> (c)The witness(es) is residing within the limits of this Hon'ble High Court's appellate jurisdiction.

14. The LoR has been issued by the United States District Court for the Eastern District of New York dated 2nd April, 2025 seeking assistance for obtaining documentary evidence from the Respondent as

specified in Appendix-A of the LoR for use as evidence in trial pursuant to Article-3 of the Hague Convention for taking of evidence in civil or commercial matters. The Respondent-Bank carries on business within the jurisdiction of this Court. Accordingly, each of the above conditions appears to have been satisfied. The Miscellaneous Petition has been filed by the Petitioner who is a party in the proceeding before the foreign court (i.e., the Civil Case) which has issued the LoR. Therefore, the requirements of Order XXVI, Rule 19(c) and Rule 20(a) of the CPC are also fulfilled.

15. It would therefore be necessary to adhere to the LoR given the importance of the evidence to be obtained in the Civil Case from the Respondent, which carries on business within the jurisdiction of this Court. As required under Article 9 of the Hague Convention, a letter of request is required to be executed expeditiously. Accordingly, I am inclined to grant reliefs sought for in the Miscellaneous Petition.

16. Mr. Lohia, learned Counsel appearing for the Petitioner has also submitted and it is observed that a number of the documents in respect whereof a letter of request has been sent are bank documents to which the Bankers Book Evidence Act, 1891 would apply. Mr. Lohia has drawn this Court's attention to Section 6 of the Bankers Book Evidence

Act, 1891, which it is observed, is an enabling section for direction with respect to inspection of the books and for taking copies of any entries in the bankers books.

17. Mr. Lohia has brought to my notice the following orders of this Court in similar matters for appointment of a commission under Order XXVI Rule 19 of the CPC based on Letters of Request issued by foreign courts:-

(i) ***L &M Healthcare Communications LLC v. Rediffusion Solutions Pvt Ltd***,[1];
(ii) ***HDT Bio Corp v. Emcure Pharamceuticals Ltd.***[2]
(iii) ***Pfizer Inc. & Ors. v. Unimark Remedies Ltd.***,[3]

18. In view fo the above discussion, the following order is passed:-

ORDER

(i) There shall be a commission under the provisions of the Order XXVI Rule 19 of the Code of Civil Procedure, 1908 for obtaining the documents enlisted at Appendix A of the Letter of Request.

(ii) Mr. Abhishek Karnik, learned Counsel of this Hon'ble Court, is appointed as the Commissioner with all powers mentioned in prayer Clause (b) of the Miscellaneous Petition.

1.Order dated February 22, 2023 in Misc. Petition (L) No. 3043 of 2023.
2 Order dated March 28, 2023 in Misc. Petition (L) 38982 of 2022.
3 Order dated May 4, 2016, 2016 SCC OnLine Bom 8599).

(iii) The Commissioner shall endeavour to complete the commission expeditiously preferably within 30 days and shall submit the report in a sealed cover before this Court within a week thereafter.

(iv) Costs of the Commissioner shall be borne by the Petitioner.

20. The Petition accordingly stands allowed and disposed as above.

21. However, list on **30th April, 2026** for compliance. Liberty to apply.

(ABHAY AHUJA, J.)

NIKITA YOGESH GADGIL
Digitally signed by NIKITA YOGESH GADGIL
Date: 2026.03.25 20:23:17 +0530