

*Soumava Mukherjee, Advocate*

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September 11, 2024

To

Mr. Swarup Biswas

President of Federation of Cine Technicians and Workers of Eastern India

Technician's Studio, 4, Baburam Ghosh Road

Ashok Nagar, Tollygunge

Kolkata 700040.

Sub: Cease and desist notice against False, malicious, and defamatory statements made by you against my client and its reputed members/Film Directors before the popular news media named "Times of India" and a multimedia news website "AajKaal.in" on 2 September 2024.

My Clients: Directors' Association of Eastern India (DAEI) and its reputed members/Film Directors including Haranath Chakraborty, Anjan Dutta, Ashok Viswanathan, Abhijit Guha, Saibal Mitra, Malay Dasgupta, Anindya Sarkar, Subrata Sen, Aparna Sen, Sudeshna Roy, Aniruddha Roychowdhury, Premendu Bikash Chaki, Kaushik Ganguly, Amit Mukhopadhyay, Suman Mukhopadhyay, Debashish Chakraborty, Shirshendu Burma Soudh, Ashish Sen Chowdhury, Anupam Hari, Shamik Basu, Amit Das, Pavel Ghosh, Parambrata Chattopadhyay, Joydeep Mukherjee, Srijit Roy, Sumit Dam, Anindya Bikash Datta, Abhishek Saha, Soumen Halder, Anirban Bhattacharya, Ayan Sengupta, Indranil Roychowdhury, Sourav Palodhi, Anup Chakraborty, Aditi Roy, Shoukarjyo Ghoshal, Moumita Biswas, Ranjan Ghosh, Utsav Mukherjee, Tathagata Mukherjee, Pratim Dasgupta, Sudip Nag, Snehashish Jana, Arjun Dutta, Souvik Kundu, Sayan Dasgupta, Nitin Manna, Sourav Bhattacharya, Prabir Ganguly, Abeera Majumder, Arkadeep Nath, Amit Dasgupta, Surojit Chatterjee, Anirban Mullick and Kamaleshwar.

Dear Sir

Under instructions from and on behalf of my clients, I address you and state as follows:

- (i) My client is a trade union duly registered under the provisions of the Trade Unions Act, 1926 having registered office at 108, Raja Basanta Roy Road, Kolkata 700029. More than 440 Film Directors are members of my client. My client strives to improve and ameliorate the condition of its members and safeguard their interests.
- (ii) My client is a very important stakeholders in the film, TV and OTT industry in Kolkata and its esteemed members, numbering close to 450, have in their individual capacities and as esteemed members of the film fraternity been working tirelessly, under stringent budgetary and other conditions to uphold the standards of good filmmaking. The numerous National, International and other awards that they have earned for themselves and the fraternity over the years bear testimony to that. As such, my client and its reputed members/Film Directors command immense goodwill, prestige, and repute in society as responsible and a law-abiding entity/person.

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- (iii) My client was made aware by its well-wishers that you have levelled both false and defamatory statements against my client and its reputed members/Film Directors, which were widely published and circulated on the website of two news media being “Times of India” and “Aaj Kaal” on 2 September 2024 and 6 September 2024. You have unjustly implicated members/Film Directors of my client in serious allegations of sexual harassment without any evidence and/or justification with malafide intent of damaging the reputation of the various members of my client and bring them to public ridicule and odium and causing substantial harm to their careers and malign their social image. Such baseless allegations are not only damaging but also legally actionable as defamation.
- (iv) On 2 September 2024, you made false and incorrect statements against my client and its reputed members/Film Directors before the news media namely “Times of India” which was reported in their website. The distasteful and make belief statements made/delivered by you are reproduced hereinbelow:

"DAEI was initially under the purview of FCTWEI. However, in the aftermath of the recent incident involving Rahool Mukherjee's shooting, they consciously chose to insult FCTWEI. It is incumbent upon DAEI to clarify whether they still maintain ties with FCTWEI. I cannot speak on their behalf. But I want to know what steps DAEI is taking against any accused director".

“No individual in a position of authority can exploit their influence to coerce or demand sexual favours from vulnerable newcomers.”

**“In terms of percentages, 40% of the allegations implicate producers, while the remaining 60% are levelled against directors and directors-cum-producers. The three allegations that have surfaced on social media thus far are against directors or director-cum-producers. If any of these survivors formally lodge a complaint with us, 'Surokkha Bandhu' will immediately take up her case. Our formidable battery of lawyers will fight those cases free of charge. Predatory instinct is an addictive behavioral pattern that is as infectious as Covid-19. Now, we will send such offenders to home quarantine and ensure that this disease doesn't spread further in the industry. Offenders will now think twice before making indecent proposals”.**

- (v) Again on 2 September 2024, you have attributed defamatory statements against my client and its reputed members/Film Directors, which is reported in the article titled “টলিউডে যৌন হেনস্থার মূলে ৬০ শতাংশ পরিচালকরাই! অন্যায়ের বিরুদ্ধে রুখে দাঁড়িয়ে কী করলেন ফেডারেশন সভাপতি স্বরূপ বিশ্বাস?” English translation: "Tollywood: 60 percent of the directors are responsible for sexual harassment in Tollywood! What did Federation President Swarup Biswas do to stand against injustice?" published on Aajkal.in.

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English Translation:

**Headline: Tollywood: 60 percent of the directors are responsible for sexual harassment in Tollywood! What did Federation President Swarup Biswas do to stand against injustice?**

"So far, all the complaints have been through social media or whispers. Out of them, 40 per cent sexual harassment complaints are against producers. And 60 per cent are from directors and director-to-producers. But My advice in this case, if you file a complaint on 'Suraksha Bandhu' without reporting it on social media, then the complaint will be investigated. We have lawyers in this committee who are ready to fight the case for free."

- (vi) In no uncertain terms, you have maligned my client's and its reputed members/Film Directors' image and made insinuations and/or innuendos that the reputed members/Film Directors of my client were involved serious allegations of sexual harassment. By making such ill-founded and ridiculous statements, you have evidently targeted the reputed members/Film Directors of my client with bogus, fake, and unsubstantiated allegations. You have being in complete knowledge about the members of my client and with such intent had sought to target their reputation by naming the Union and thereby targeting all its members. The aforesaid slanderous statements made by you, ordinarily in their natural meaning may be understood as, and/or *ex-facie* mean the following:
- (a) There is an alarming recent deluge of sexual harassment which are being undertaken by the reputed members/Film Directors affiliated to my client.
  - (b) The reputed members/Film Directors of my client are in habit of demanding sexual favours from vulnerable newcomers in the Film industry;
  - (c) The reputed members/Film Directors of my client have been exploiting their position to coerce newcomers for sexual favours.
  - (d) The reputed members/Film Directors of my client have been making indecent proposals.
  - (e) The reputed members/Film Directors of my client are offenders as having a "predatory instinct" comparable to an "infectious disease".
  - (f) My client being uncertain in their affiliation with the Federation and insulted the Federation, which suggests a lack of professionalism and cooperation.
- (vii) All your allegations and/or contentions with regard to the sexual harassment statements made by you are both factually incorrect and defamatory. In the further you are well aware of the falsity of the statements made and circulated by you and such false statements have been made with complete malice to ridicule and cause serious reputational loss to my client and its reputed members/Film Directors. By publicly attributing such a high percentage of

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serious allegations to the reputed members/Film Directors of my client as well as my client, you have caused significant harm to their reputations and professional standing without any verified evidence. Your statements regarding the reputed members/Film Directors of my client and the purported "infectious" nature of alleged misconduct further compound the reputational damage and propagate harmful stereotypes. You have alleged that the reputed members/Film Directors of my client are engaged in making indecent proposals to actors. Such a claim suggests inappropriate and unlawful behavior, tarnishing their professional and personal reputations. You described the reputed members/Film Directors of my client as offenders, indicating them, as having a "predatory instinct" comparable to an "infectious disease." This description paints the reputed members/Film Directors of my client in a highly negative and sensationalized manner, implying a severe and contagious behavioral issue that is harmful to their reputation and career prospects. Furthermore, the allegation suggesting that the reputed members/Film Directors of my client engage in making indecent proposals to actors further tarnishes their personal and professional image, perpetuating a false narrative of inappropriate and unlawful behavior.

- (viii) The above statements are defamatory as they convey false and damaging information about the reputed members/Film Directors of my client. They unjustly tarnish their reputations and imply serious misconduct without substantiated evidence. The provocative and sensational nature of these statements further compounds the harm, portraying the reputed members/Film Directors of my client in a manner that is both misleading and harmful to their social image.
- (ix) The reputed members/Film Directors of my client as well as my client deny all such allegations and imputations that have been levelled against them. The reputed members/Film Directors of my client as well as my client put you to strict proof of all such allegations, innuendos, and imputations. All such inane and misplaced allegations, insinuations and/or innuendos are concocted, spiteful and loathe-worthy.
- (x) It is stated that you have made malicious statements and have passed comments bereft of any proof and/or any attempt to prove your allegations.
- (xi) Your statements and insinuations therein are all patently false and made with the sole intention of denigrating the image of the reputed members/Film Directors of my client, who have been tirelessly working to build reputation amongst their fan following and society in general.
- (xii) The accusations and/or innuendos averred by you are baseless and have no semblance of truth. The same have been made to defame the reputed members/Film Directors of my client, thereby jeopardizing their reputation, esteem, and goodwill. The making of such unscrupulous, false, dubious, and vindictive statements, knowing them to be false and manufactured, has resulted in hampering overall image of the reputed members/Film Directors of my client in society, amongst their fan following and well-wishers.



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- (xiii) Such allegations as levelled against my client and its reputed members/Film Directors are preposterous and lack any semblance of truth. Furthermore, it appears that such statements were made to sensationalize and instigate the general public into believing the veracity of your statements and to deliberately and tactically bring the reputed members/Film Directors of my client to disrepute, odium, and public contempt. Your statements in the press are a malicious attempt to tarnish the image of the reputed members/Film Directors of my client before the right thinking members of the society. Your statements have been made with the clear intent to lead the general public into believing that the reputed members/Film Directors of my client are involved in such immoral activities.
- (xiv) Your allegations against the reputed members/Film Directors of my client are of a serious nature which has been sensationalised to defame, harm, and jeopardise the reputation, esteem, and goodwill of the reputed members/Film Directors of my client. In this context, the reputed members/Film Directors of my client reiterate that they are well known to the public at large as Film Directors with stellar reputation and goodwill. However, by making such defamatory, unscrupulous, dubious, and vindictive statements, further knowing the same to be false, you have tried to create a cloud of suspicion over the goodwill and reputation enjoyed by the reputed members/Film Directors of my client for reasons best known to you. Your intent is malicious in nature of spreading falsity against reputed Directors who are members of my client so as to disparage them and make unjust enrichment.
- (xv) In the consequence of the aforesaid, the reputed members/Film Directors of my client have suffered considerable distress, mental anguish, and embarrassment. The reputation of the reputed members/Film Directors of my client has been seriously injured and has been falsely exposed to public scandal, odium, and contempt.
- (xvi) In the aforesaid facts and circumstances, I, on behalf of my client and its reputed members/Film Directors accordingly do hereby call upon you to:
- a) Forthwith cease and desist from making or circulating or publishing and/or and/ or causing to make or publish or circulate any defamatory comments, statements and/or insinuations against my client and its reputed members/Film Directors in any manner as mentioned hereinabove or otherwise;
  - b) Address the press and issue an unconditional apology and retract your virulent and *mala fide* statements made on 02.09.2024, within 72 hours from the receipt of this notice.

Needless to mention the above shall not absolve you of the obligation to make good the damages and losses suffered by my client and its reputed members/Film Directors, owing to such defamatory circulation.

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In the event the aforesaid action as called upon in the instant letter is not taken, within the period mentioned aforesaid, my client and its reputed members/Film Directors shall be constrained to initiate strong action both civil and criminal against you in accordance with law without any further notice to you and hold you responsible for all costs and consequences thereof.

The aforesaid is without prejudice to my client's and its reputed members/Film Directors' other rights and contentions.

Yours faithfully



Advocate

Copy to:

Directors' Association of Eastern India, Haranath Chakraborty, Anjan Dutta, Ashok Viswanathan, Abhijit Guha, Saibal Mitra, Malay Dasgupta, Anindya Sarkar, Subrata Sen, Aparna Sen, Sudeshna Roy, Aniruddha Roychowdhury, Premendu Bikash Chaki, Kaushik Ganguly, Amit Mukhopadhyay, Suman Mukhopadhyay, Debashish Chakraborty, Shirshendu Burma Soudh, Ashish Sen Chowdhury, Anupam Hari, Shamik Basu, Amit Das, Pavel Ghosh, Parambrata Chattopadhyay, Joydeep Mukherjee, Srijit Roy, Sumit Dam, Anindya Bikash Datta, Abhishek Saha, Soumen Halder, Anirban Bhattacharya, Ayan Sengupta, Indranil Roychowdhury, Sourav Palodhi, Anup Chakraborty, Aditi Roy, Shoukarjyo Ghoshal, Moumita Biswas, Ranjan Ghosh, Utsav Mukherjee, Tathagata Mukherjee, Pratim Dasgupta, Sudip Nag, Snehashish Jana, Arjun Dutta, Souvik Kundu, Sayan Dasgupta, Nitin Manna, Sourav Bhattacharya, Prabir Ganguly, Abeera Majumder, Arkadeep Nath, Amit Dasgupta, Surojit Chatterjee, Anirban Mullick and Kamaleshwar.

EW0635962991N IVR:4987063596655

SP KOLKATA SPD (700001)

Counter No:9, 11/09/2024, 19:32

To:SWARUP BISWAS,

PIN:700040, Regent Park SU

From:SOUMAVA MUKHERJEE,ADV

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
KOLKATA GPO	11/09/2024 19:32:29	700040	17.70	Inland Speed Post	Regent Park SO	12/09/2024 17:43:05

### Event Details For : EW063596099IN

#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
12/09/2024	17:43:05	Regent Park SO	Item Delivered(Addressee)
12/09/2024	10:39:31	Regent Park SO	Out for Delivery
12/09/2024	08:44:10	Regent Park SO	Item Received
12/09/2024	06:22:42	Kolkata RMS Mails TMO	Item Dispatched
12/09/2024	06:01:09	Kolkata RMS Mails TMO	Item Received
12/09/2024	05:05:18	KOL AP TMO	Item Dispatched
12/09/2024	04:54:18	KOL AP TMO	Item Received
12/09/2024	04:41:30	Kolkata NSH	Item Dispatched
12/09/2024	03:13:33	Kolkata NSH	Item Bagged
12/09/2024	01:53:25	Kolkata NSH	Item Received
11/09/2024	20:49:48	KOLKATA GPO	Item Dispatched
11/09/2024	20:48:32	KOLKATA GPO	Item Bagged
11/09/2024	19:32:29	KOLKATA GPO	Item Booked

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