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Form 59
Rule 29.02(1)

Affidavit

No. NSD 681 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

SMBC Leasing and Finance, Inc. ARBN 602 309 366

Applicant

Forum Enviro (Aust) Pty Ltd ABN 78 607 484 364

First Respondent

Basile Papadimitriou

Second Respondent

Forum Enviro Pty Ltd (In Provisional Liquidation) (ACN 168 709 840)

Third Respondent

Affidavit of: **Gurpreet Brar**
Address: Level 11A, Max Towers, Sector-16B, Noida, Uttar Pradesh, India 201301
Occupation: Country Director/CEO, Veolia India
Date: 3 February 2022

I, Gurpreet Brar, say on oath:

1. I am currently the Country Director and Chief Executive Officer of Veolia India.
2. Between about 1 February 2018 and 31 May 2021, I was the Chief Financial Officer of Veolia Environmental Services (Australia) Pty Ltd (**Veolia**). I am authorised to make this affidavit of behalf of Veolia.
3. This affidavit is true and correct to the best of my own knowledge, information and belief. Where indicated otherwise, I depose to matters on the basis of information provided by another person and in the belief that the source of my information is true and correct.

Filed on behalf of (name & role of party)	The Applicant, SMBC L&F		
Prepared by (name of person/lawyer)	Maria Yiasemides, Partner		
Law firm (if applicable)	Jones Day		
Tel	(02) 8272 0770	Fax	(02) 8272 0599
Email	myiasemides@jonesday.com		
Address for service (include state and postcode)	Level 41, 88 Phillip Street, Sydney 2000		

[Version 3 form approved 02/05/2019]

N. Grandher

4. I have read the following affidavits filed in these proceedings and, in this affidavit, I refer to either the content of those affidavits or the documents in the accompanying exhibits:
- (a) the affidavit of Michael Timpany sworn on 13 July 2021 (**the Timpany Affidavit**) and **Exhibit MT1**.
 - (b) the affidavit of Roger Dobson sworn on 13 July 2021 (**the Dobson Affidavit**) and **Exhibit RD1**.

Background

5. Veolia is a waste management company offering services across the entire waste life cycle process, from waste collection to recovery. One aspect of Veolia's business involves providing its clients with waste management products including "waste digesters" that transform solid organic waste, such as food, into liquid. Veolia has previously leased some waste digesters for use by its clients from companies within the Forum group of companies including Forum Enviro (Aust) Pty Ltd (in provisional liquidation) (**FEA**).

The Fraudulent Documents

6. At paragraph [25] of the Timpany Affidavit, Mr Timpany refers to a telephone call on 5 July 2021 in which I participated (with the two other representatives from SMBC L&F, Andrew Dick and Raymond Ng). I recall that telephone conversation and generally agree with Mr Timpany's recollection of that conversation in paragraphs [26] to [28] of the Timpany Affidavit.
7. On the call, Mr Timpany explained the allegations of fraud that were emerging in Australia at the time in relation to the Forum group and Mr Basile Papadimitriou (**Mr Papas**). Mr Timpany indicated that the purpose of the call was to verify the authenticity of certain agreements which had purportedly been executed by Veolia. Mr Timpany explained to me that SMBC L&F was a party to a significant number of financing arrangements with FEA which involved Veolia's purported lease of large numbers of waste digesters pursuant to Technology Licence Agreements with FEA.
8. I am not aware of Veolia entering into any new Master Technology Licence Agreements with the Forum group in or around July 2020 or the subsequent lease or possession by Veolia of any equipment under the terms of those purported agreements.
9. I stated to Mr Timpany as a suggestion that SMBC L&F should contact Veolia's Chief Legal Officer, Australia and New Zealand, Jane Sandilands, to facilitate us reviewing the agreements and correspondence in question to confirm the authenticity or otherwise of those documents.
10. On 7 July 2021, I received five emails from Mr Timpany attaching, among others:
- (a) documents entitled "Master Technology Licence Agreement";



H. Gardner

- (b) documents entitled 'Annexure – Form of TLA Schedule'; and
- (c) documents entitled "Certificate of Acceptance of Delivery" (purportedly issued by reference to the documents entitled "Master Technology Licence Agreements").

The five emails and their attachments are at ~~pages 35 to 171 of Exhibit MT1.~~

11. I had never seen any of the documents attached to Mr Timpany's emails before receiving those emails and, in each instance where my signature purportedly appears on those documents, it is not my real signature and has been forged.
12. Also included in the bundle of documents provided by Mr Timpany on 7 July 2021 were various chains of email correspondence which purport to be between myself and Mr Papas and in which I appear to:
 - (a) confirm the existence of the transactions constituted by the purported Technology Licence Agreements; and
 - (b) consent to the assignment of receivables under those purported agreements to SMBC L&F.
13. I did not prepare, send or receive those emails and can only conclude that they have been forged so as to appear to be from me, by using my Veolia email address and my associated signature block in the emails.
14. On 8 July 2021 I sent an email to Mr Timpany which is at ~~page 172 of Exhibit MT1.~~
15. On 8 July 2021 I received another email from Mr Timpany attaching five additional documents entitled "Technology Licence Agreement" which were purportedly executed by myself and Julian Gaillard on behalf of Veolia in 2018. A copy of that email is at ~~page 174 of Exhibit MT1.~~ Four of **The** the documents attached to Mr Timpany's 8 July 2021 email are at ~~pages 195 to 240 of Exhibit RD1.~~ The fifth document attached to Mr Timpany's email of 8 July 2021 (dated 1 October 2018) is annexed to this affidavit and marked "GB-1".
16. I reviewed the documents attached to Mr Timpany's 8 July email, which I had never seen before. I did not sign any of those documents. The signature, which purports to be mine on each of those documents, is not my real signature and has been forged.
17. On 8 July 2021 I sent a further email to Mr Timpany which is at ~~pages 175 and 176 of Exhibit MT1.~~
18. I have read the document at ~~page 44 of Exhibit MT1.~~ This document appears to be on Veolia letterhead, is dated 6 November 2020 and purports to be a "Notice of Company's Authorised Signatories". The document identifies me as an authorised signatory for Veolia (with a purported 'specimen signature') and purports to be executed by me as a director of Veolia. I had never

MIN.5000.0006.1722
Section 50 Summary
of Discovery of the
Fraud
CB F.II.65 p.F.II.9 Ln
16;

MIN.5000.0006.1727
Section 50 Summary
of Fraudulent
Documents
CB F.II.66 p.F.II.16-20
Lns 10-11,
32-35, 40-43,
46-47, 51-54, 58-61,
64-65

MIN.5000.0006.1722
Section 50 Summary of
Discovery of the Fraud
CB F.II.65 p.F.II.10 Ln 18

CB F.II.65 p.F.II.11 Ln 19
MIN.5000.0006.1727
Section 50 Summary of
Fraudulent Documents
CB F.II.66 pp.12-13 Lns
2-3, 5, 7, 9

MIN.5000.0006.1722
Section 50 Summary of
Discovery of the Fraud
CB F.II.65 p.F.II.11 Ln 20

MIN.5000.0006.1727
Section 50 Summary of
Fraudulent Documents
CB F.II.66 p.F.II.16 Ln 36


 N. Grandner

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seen this document before it was emailed to me by Mr Timpany and my two purported signatures on it are not my own and have been forged.

Sworn by the deponent
at Uttar Pradesh
in India
on 3 February 2022
Before me:



Signature of deponent



Signature of witness
Name: Nicole Gardner
Address: Level 9, 5 Martin Place Sydney NSW 2000
Qualification: Solicitor

This document was signed and witnessed over audio visual link in accordance with section 14G of the *Electronic Transactions Act 2000* (NSW)

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/02/2022 5:10:24 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD681/2021
File Title: SMBC LEASING AND FINANCE, INC. ARBN 602 309 366 v FORUM
ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS
APPOINTED) ACN 607 484 364 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



Sia Lagos

Dated: 4/02/2022 5:16:41 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.