

MATERIAL LITIGATION Claim before the Tokyo District Court in Japan by Northern TK Venture Pte Ltd against Daiichi Sankyo Company, Limited

IHH HEALTHCARE BERHAD

Type	Announcement
Subject	MATERIAL LITIGATION
Description	Claim before the Tokyo District Court in Japan by Northern TK Venture Pte Ltd against Daiichi Sankyo Company, Limited

Please refer attachment below.

Attachments

[IHH Announcement_Material Litigation_14.11.2023.pdf](#)
156.0 kB

Announcement Info	
Company Name	IHH HEALTHCARE BERHAD
Stock Name	IHH
Date Announced	14 Nov 2023
Category	General Announcement for PLC
Reference Number	GA1-13112023-00004



Registration No. 201001018208 (901914-V)
(Incorporated in Malaysia)

IHH HEALTHCARE BERHAD (“IHH” OR THE “COMPANY”)

Type : General Announcement

Subject : Material Litigation

Description : Claim before the Tokyo District Court in Japan by Northern TK Venture Pte Ltd against Daiichi Sankyo Company, Limited

IHH HEALTHCARE BERHAD (“IHH” OR THE “COMPANY”)

1. **SUBSCRIPTION OF 235,294,117 NEW EQUITY SHARES OF FACE VALUE OF INDIAN RUPEES (“INR”) 10 EACH (“FORTIS SHARES”) IN FORTIS HEALTHCARE LIMITED (“FORTIS”) THROUGH PREFERENTIAL ALLOTMENT BY FORTIS TO AN INDIRECT WHOLLY-OWNED SUBSIDIARY OF IHH, NORTHERN TK VENTURE PTE LTD (“NTK” OR THE “ACQUIRER”) (“SUBSCRIPTION”);**
2. **MANDATORY OPEN OFFER FOR ACQUISITION OF UP TO 197,025,660 FORTIS SHARES REPRESENTING ADDITIONAL 26.10% OF THE EXPANDED VOTING SHARE CAPITAL OF FORTIS BY THE ACQUIRER (“FORTIS OPEN OFFER”); AND**
3. **MANDATORY OPEN OFFER FOR ACQUISITION OF UP TO 4,894,308 FULLY PAID UP EQUITY SHARES OF FACE VALUE OF INR 10 EACH (“MALAR SHARES”), REPRESENTING 26.11% OF THE FULLY DILUTED VOTING EQUITY SHARE CAPITAL OF FORTIS MALAR HOSPITALS LIMITED (“MALAR”) BY THE ACQUIRER (“MALAR OPEN OFFER”, AND COLLECTIVELY WITH THE FORTIS OPEN OFFER, THE “OPEN OFFERS”).**

[THE SUBSCRIPTION, FORTIS OPEN OFFER, AND THE MALAR OPEN OFFER ARE HEREINAFTER COLLECTIVELY REFERRED AS THE “TRANSACTION”]

We refer to our earlier announcements dated 13 July 2018, 15 August 2018, 13 November 2018, 17 December 2018, 18 November 2019, 3 February 2020, 5 March 2020, 17 March 2020, 14 August 2020, 22 September 2022, 23 September 2022, 26 September 2022, 11 November 2022 and 17 November 2022 (“**Said Announcements**”) in relation to the Transaction. Unless otherwise expressed or defined herein, all capitalised terms used in this announcement shall have the same meanings as ascribed to them in the Said Announcements (or any of them).

1. Particulars of the Claim

The Board of Directors of IHH wishes to announce that Northern TK Venture Pte Ltd (“**NTK**”), an indirect wholly-owned subsidiary of IHH, had on 16 October 2023 filed a claim against Daiichi Sankyo Company, Limited (“**Daiichi Sankyo**”) in the Tokyo District Court (“**Court**”) in Japan (“**Claim**”).



NTK is a private company limited by shares incorporated under the laws of Singapore. Daiichi Sankyo is a stock company incorporated under the laws of Japan and headquartered in Tokyo.

Pursuant to the Claim, NTK is seeking, among others, damages in excess of Japanese Yen (“JPY”) 20 billion (equivalent to RM634 million¹) against Daiichi Sankyo. NTK’s position is that Daiichi Sankyo has caused losses to NTK by preventing NTK from proceeding with the Open Offers. NTK is also seeking an injunction to prevent Daiichi Sankyo from making defamatory remarks against NTK with respect to the Open Offers.

On 13 November 2023, NTK’s court filing was delivered to Daiichi Sankyo by the Court.

Causes of Action

The Claims filed by NTK against Daiichi Sankyo are tort claims premised on the latter’s unlawful interference with NTK’s trade or business, conspiracy of Daiichi Sankyo and other persons, malicious falsehood and defamation under the applicable substantive laws.

Relief Sought

NTK is seeking the following reliefs from Daiichi Sankyo, in accordance with the applicable substantive laws:

- (i) to pay JPY 20 billion as damages to NTK, together with an interest at the rate of 3% per annum;
- (ii) by way of an injunction, to refrain Daiichi Sankyo from defaming NTK in the future; and
- (iii) to publish a statement at Daiichi Sankyo’s website, and to deliver a statement to SEBI, to vindicate NTK’s reputation.

NTK has also expressly reserved its rights to amend and/or supplement the reliefs it is seeking from Daiichi Sankyo.

2. The impact of the Claim on IHH

As of the date of this announcement, the Claim is not expected to have any material operational or financial impact on IHH.

The Company will make further announcements in the event of any material developments on the above matter.

This announcement is dated 14 November 2023.

¹ Based on the noon middle exchange rate of JPY100 : RM3.1702 as at 16 October 2023 as set out in the Bank Negara Malaysia’s website, subject to rounding.