

SUPREME COURT OF THE CITY OF NEW YORK  
COUNTY OF NASSAU

-----X  
223 Avenue B, LLC

Index No. 613065/2020

Plaintiffs,

**VERIFIED ANSWER**

-against-

SUBWAY REAL ESTATE, LLC D/B/A/ SUBWAY,  
GEETA FASTFOOD ENTERPRISE INC,  
and ABHIMANUE MANCHANDA,

Defendants.

-----X

Defendants, GEETA FASTFOOD ENTERPRISE INC, and ABHIMANUE

MANCHANDA, by its attorneys Law office of Hector M. Roman, P.C., submits the following upon information and belief, as and for an Answer to plaintiff's complaint:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs numbered 1, 2, 6, 8, 10, 11, 12, 13, 14, 23, 25, 26, 27, 29, 32, 33, 58, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75 of Plaintiff's Complaint.

2. Denies the allegations contained in Paragraphs numbered 4,5, 17, 19, 20, 21, 24, 28, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 54, 55, 56, 57, 59, 60, 61, 73, 74, 76, 77 of Plaintiff's Complaint

3. Admits the allegations contained in Paragraphs numbered 3, 7, 9, 15, 16, 22, 30, 51, 53, of Plaintiff's Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

4. The complaint fails, in whole or in part to state a claim which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

5. No privity of Contract. Plaintiff attaches no written documentary proof that an agreement between Plaintiff and Defendant GEETA FASTFOOD ENTERPRISE INC, and ABHIMANUE MANCHANDA (hereinafter “Geeta” and “Abhi” respectively) exists.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

6. Statute of Frauds. Plaintiff attaches no written documentary proof that an agreement between Plaintiff and Defendant “Geeta” and “Abhi”. for the amount stated is due and owing. Particularly, there is no amount stated for the amount demanded.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

7. Impracticability/Impossibility and Force majeure due to the Covid-19 Pandemic.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

8. This court lacks subject matter jurisdiction.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

10. Payment and offset.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

11. Improper forum. The Defendant Geeta and Abhi signed a single agreement with co-defendant SUBWAY REAL ESTATE, LLC D/B/A/ SUBWAY whereupon any legal disputed would be arbitrated.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

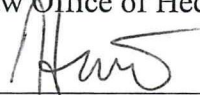
12. The defendant reserves the right to raise additional and other affirmative defenses that may subsequently become or may appear to be applicable to the complaint.

**WHEREFORE**, Defendant respectfully prays that this Court dismiss this action in its entirety against the plaintiff and grant and for such other and further relief as to this Court

Dated: Jackson Heights, New York  
December 23, 2020

Law Office of Hector M. Roman, P.C.

By:



---

Homdat K. Misra, Esq.  
Attorneys for Defendants  
37-18 73rd Street, Suite 401  
Jackson Heights, NY 11372  
Tel: 718.533.8444  
Fax: 718.533.8460  
Email: [hmisra@roman-law.org](mailto:hmisra@roman-law.org)

**ATTORNEY VERIFICATION**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF QUEENS         )

Homdat K. Misra, Esq, an attorney duly admitted to practice law before the courts of the State of New York, under penalties of perjury, affirms the following:

That I am associated with the Law Office of Hector M. Roman, P.C., attorneys for Defendant in the instant action. that I have read the foregoing VERIFIED ANSWER and know the contents thereof; that the same is true to the deponent’s own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters believes it to be true and the reason this verification is not made by Defendants GEETA FASTFOOD ENTERPRISE INC, and ABHIMANUE MANCHANDA and is made by deponent is that Defendant is not presently located in the county where the deponent-attorney maintains his office.

The source of deponent’s information and grounds of my belief are communications, papers, reports, and investigations contained in this file.

Dated: Jackson Heights, New York  
December 23, 2020

  
\_\_\_\_\_  
Homdat K. Misra, Esq.