

**DATED: 27.03.2024 PW.1 PRESENT AND OATH IS ADMINISTERED.**

**EXAMINATION IN CHIEF BY PARTY IN PERSON:**

Today, I have filed my affidavit in lieu of examination in chief and the contents therein are true and correct, it bears my signature.

I have filed following documents in support of my case. They are marked as under:

Ex.P.1	The copy of Exceltech firm Registration
Ex.P.2	The copy of Exceltech firm ITR for year 2015-2020
Ex.P.3	The copy of Biofi incorporation certificate. Downloaded copy from ROC/MCA website public domain.
Ex.P.4	The certified copy of Board of directors from ROC/MCA for year 2020-2021, 2021-2022
Ex.P.5	The copy of Board of directors from ROC/MCA for year 2022 onwards.
Ex.P.6	The asset purchase agreement Exceltech-Biofi dated 01.01.2020
Ex.P.7	The copy of Board resolution dated 19.08.2020. Downloaded copy from ROC/MCA public domain.
Ex.P.8	Copy of per share value Rs.1,30,198/- of Biofi as on 03.07.2020. Download copy from ROC/MCA portal.
Ex.P.9	Copy of the share holding agreement dated 12.10.2020. E-Document from Document sign portal.
Ex.P.10	Certified true copy of MGT-7A dated 14.12.2021.
Ex.P.11	The copy of email from Ms.Ankita dated 19.10.2020 @1.10 pm

Ex.P.12	The copy of email from complainant to Mr.Ravigirimaji dated 19.10.2020 @ 1.59 pm
Ex.P.13	The copy of email from Mr.Ravigirimaji to complainant dated 19.10.2020 @ 6.23 pm
Ex.P.14	Certified true copy of AOC2 filed by company to ROC/MCA dated 18.10.2021 proof of Rs.1,00,00,000/- not paid as advance.
Ex.P.15	Certified true copy of AOC4 filed by company to ROC/MCA dated 14.12.2021 proof of Rs.1,00,00,000/- not paid as advance.
Ex.P.16	Certified true copy of the balance sheet filed by company to ROC/MCA, Income tax dated 18.10.2021 proof of Rs.1,00,00,000/- not paid as advance also, proof of 7.19 crores to be paid by the company to the complainant.
Ex.P.17	Copy of the third party opinion of the AOC2, AOC4 and balance sheet. Third party opinion dated 21.07.2023 stating that Rs.1,00,00,000/- not paid as advance for asset purchase.
Ex.P.18	The copy emails and board resolution of investments and term sheet discussion dated 28.03.2021.
Ex.P.19	Copy of Whatsapp communication from Pauldurai Shanmugam to complainant and complainant's wife dated 07.04.2021.
Ex.P.20	Copy of email & meeting minutes forcing 1 <sup>st</sup> defendant to become non-executive board member dated 09.04.2021
Ex.P.21	Certified true copy of board meeting list dated 06.01.2023
Ex.P.22	Copy of minutes of meeting Sriram, Ravi Girimaji, Complainant dated 08.06.2021.
Ex.P.23	Copy of Whatsapp screenshot of conf call dated 08.06.2021.
Ex.P.24	Copy of google map screenshot complainant was threatened to resign dated 08.06.2021.

Ex.P.25	Copy of email about resignation accepted in few hours and kept confidential to team until 23.06.2021.
Ex.P.26	Copy of agenda of board meeting which had been arranged hastily. Usually, 21 days time to be given or 7 days for EGM
Ex.P.27	Copy of NCR365/2021 first time information had been taken after 10 times of visit to police station.
Ex.P.28	Copy of email dated 04.07.2021 for arranging of meeting as discussed in police station.
Ex.P.29	Certified true copy of DIR-11 complainant of 1 <sup>st</sup> defendant to ROC/MCA dated 30.08.2021
Ex.P.30	Certified true copy of DIR-11 recorded with ROC/MCA dated 30.08.2021.
Ex.P.31	Certified true copy evidence of cessation filed by Biofi an 29.06.2021.
Ex.P.32	Certified true copy of DIR-12 recorded with ROC/MCA dated by Biofi on 29.06.2021.
Ex.P.33	The copy of Kotak Bank statement of complainant.
Ex.P.34	Copy of valuation of shares dated 30.06.2021. But the immediate next day Rs.10 per share had been paid to the complainant on 01.07.2021.
Ex.P.35	Certified copy of order sheet of WP.No.15170/2021 dated 10.07.2023.
Ex.P.36	Certified copy of plaint, write statements of Com.AA.197/2021 court proceedings.
Ex.P.37	Certified copy of perjury application, objections of Com.A.A.197/2021 court proceedings.
Ex.P.38	Certified copy of order sheet in Com.A.A.197/2021 court proceedings. (Daily order sheet, order dated 06.01.2023 on main petition, Perjury petition order sheet dated 06.01.2023 respectively)
Ex.P.39	Copy of the Annexures produced to Hon'ble NCLT dated 16.11.2022 in response to CP86/2021
Ex.P.40	Copy of the Board meeting shared during my

	tenure as director differs from the MGT-7A filed for the year 2020-2021.
Ex.P.41	Certified copy of MGT-7A submitted to ROC/MCA which shows the discrepancy of the board meetings dated 06.01.2023 but uploaded only on 09.09.2023.
Ex.P.42	Copy of the reply received from ROC/MCA for the complaint raised by complainant.
Ex.P..43	Copy of the screenshot of NCLT IBC proceedings and daily order sheet.
Ex.P.44	Certificate u/S 65B of Indian Evidence Act.

Therefore, I pray for take action against respondent in accordance with law.

(Typed to my dictation in the open court.)

**R O I & A C**

**(LATHAKUMARI M)**  
**C/c LXXXVI ACC & SJ, BENGALURU.**