

**DULY SWORN ON: 08-11-2024**

**CROSS-EXAMINATION BY Sri. VMI THE COUNSEL FOR  
Defendant-4:**

1. I do not know whether any initial meetings took place before issuance of the work order. I do not know how the plaintiff became aware of the project. I do not know who all were present in the meetings.

2. I have not produced any document to show the registered address of the company secretary. Witness volunteers, company secretary is employee of the Group company of the plaintiff namely Shobha limited. I do not know whether there is any document to show that the company secretary is authorized to sign the board resolution on behalf of the board of directors.

3. If I am asked whether plaintiff is aware of the tripartite agreement dated 19-05-2012 between defendant number 1, 3 and 4, I say plaintiff is aware of the tripartite agreement but I do not know about the date. If I am asked whether plaintiff is aware of the facilitation agreement dated 19-05-2012 between

defendant number 1 and 4, I say I cannot answer this question. I do not know whether after issuance of the work order, meetings were held between plaintiff D1, D3 and D4. The plaintiff company does not have the practice of recording minutes of meetings.

4. It is true to suggest that I have no personal knowledge of what transpired in the meetings between Plaintiff and D1. It is false to suggest that before filing of the present suit plaintiff was aware that D1 and D2 have terminated the services of the D4 in February 2020. Now, attention of the witness is drawn to page 340 of Exhibit P8 and to email dated 3-8-2020 and the witness says the said email is addressed to one Mr. Lalit who was the then director of plaintiff company. Witness volunteers said Mr. Lalit is no more the director of plaintiff company. I say that Mr. Lalit resigned as director of plaintiff company in August 2024. It is true to suggest that in the said email it is mentioned that D1 and D2 have

terminated the services of D4.

5. It is true to suggest that prior to filing of the present suit, plaintiff had no claim against D4. Plaintiff completed the project in 2018. The invoices at Exhibit P5 from page 316 to 328 are raised against D1.

6. During the period of the contract, the plaintiff sent the invoices to the project manager. The said invoices were addressed to D1. I have not produced any document to show that invoices were actually sent to D1 or D4. At no point of time during the contract any payment was made by D4 to plaintiff through its own bank account. It is true to suggest that plaintiff company has not maintained separate ledger in the name of D4. I have not produced the attachments with the emails produced at exhibit P8. Witness volunteers, only the emails are produced. Witness further says only for one email attachment of statement of account is produced. If I am asked whether there is any impediment for me to produce

attachments now, I say it is difficult now because the recipients of those emails have now resigned from plaintiff company.

7. Prior to filing of the suit, plaintiff did not demand the outstanding amount in respect of the project from D4. It is false to suggest that prior to filing of the suit, plaintiff was well aware that D4 is not liable to pay any amount to the plaintiff. Now attention of the witness is drawn to email dated 5-8-2020 written by Mr. Lalit which is at page 339 of Exhibit P-8 and the witness admits that in the said email Mr. Lalit has written that the payments under the contract are due from D-1 alone. It is false to suggest that plaintiff company never intended to proceed against D4.

8. The legal notice at Exhibit P9 is not addressed to D4. No other notice of demand was issued to D4. It is true to suggest that in the plaint it is not stated that D4 has at any time acted beyond the scope of its work in the project. It is true to

suggest that in the plaint it is not stated that D4 has in any way acted contrary to the terms of GPA or facilitation agreement or tripartite agreement.

9. D1 or its co-parceners have not raised any claim or demand or counterclaim with respect to the project. I do not know whether Plaintiff and D4 have worked together in any other project. I do not know if it is suggested of me that plaintiff was working with D3 earlier to, during and also after the contract which is subject matter of the present suit.

10. The instructions for filing the present suit on behalf of the plaintiff were given by Mr Lalit.

**RE-EXAMINATION : NIL**

**(Computerized to my dictation in the Open Court as  
deposed by the Witness)**

R.O.I. & A.C.,

**(SUDINDRANATH.S.)**  
LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE,  
BENGALURU.