

DULY SWORN ON: 16-07-2024

CROSS-EXAMINATION BY Sri. AJS THE COUNSEL FOR

Defendant-3:

1. I am working in Plaintiff company since 2000. If I am asked whether I have worked in the transaction involved in the present suit, I say I have only looked after accounts. I have personal knowledge of the suit transactions.

2. Mr. Lalit is ex-CEO of plaintiff company. He was overseeing the entire transaction which is involved in the present suit. If I am asked when Mr. Lalit left the plaintiff company, I say he has not left the company, but he has ceased to be CEO and he is now director of plaintiff company.

3. I cannot tell which is the GPA referred to at paragraph 8 of my chief examination affidavit. If it is suggested to me that D3 is appointed as project manager and agent of D1, I say D3 is also GPA of D1. I do not know since when D3 is GPA holder of D1. I have not seen the GPA referred to at paragraph 8 of my chief examination affidavit. I think amounts were transferred from Karnataka bank account of D1 to the plaintiff's account. The said account in Karnataka Bank was in the name of G.R. Nataraj H.U.F. I am not aware if it is suggested to me that D1 has revoked the GPA referred to by me.

4. Now, attention of the witness is drawn to email at page

340 of Exhibit P-8 dated 3-8-2020 at 17:34 and asked which is the contract referred to by D1 at paragraph number 8 of said email and witness says I do not know. I am not aware of any arbitration proceedings initiated for termination of GPA and agreements. I do not know if it is suggested to me that the GPA and agreements were referred to as contracts at paragraph 8 of above email dated 3-8-2020. If I am asked on what basis I am holding defendant number 3 and 4 jointly and severally liable along with D1 to pay amounts to plaintiff, I say this is because D3 and 4 are GPA holders of D1.

5. It is true to suggest that I have not produced the GPA. I do not know if it is suggested to me that termination of the GPA was intimated to plaintiff by email dated 3-8-2020. I do not know if it is suggested to me that as on date of filing of the present suit D3 was neither GPA holder nor agent nor project manager of D1.

6. The total value of work order at exhibit P2 is rupees 3,33,26,334. It is true to suggest that D1 has already paid sum of rupees 5,21,54,032 to the plaintiff. Again witness says that is the amount billed and actual amount paid by D1 to plaintiff is rupees 4,57,72,466. Plaintiff has acknowledged receipt of the said amount.

7. It is true to suggest that Exhibit P3 are ledger statements maintained by plaintiff company. It is true to

suggest that exhibit P4 are ledger statements maintained by D1. If it is suggested to me that D3 is not involved in preparation of ledger statement of D1 at exhibit P4, I say I am not aware about preparation, but these ledger statements are sent by D3. I say that said ledger statement is sent by D3 because they were sent through email by D3. I have produced the said email. Now, Exhibit P8 is given to the hand of witness and witness is asked where is the said email and witness has shown email dated 2-3-2020 at page 321 of Exhibit P8 as the said email. It is true to suggest that no attachments are reflected in the said email.

8. It is true to suggest that legal notice at exhibit P9 is issued only to D1. It is true to suggest that as on the date of said legal notice, there was no claim made by plaintiff against D3. It is true to suggest that prior to filing of the present suit, there was no claim made by plaintiff against D3. It is true to suggest that as per email dated 5-8-2020 at 4:56 at page 329 of Exhibit P-8 there is admission that it is only D1 who is liable to pay the suit claim.

At this stage, further cross examination by D3 deferred at request.

**(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.