

DULY SWORN ON: 02-08-2024**CROSS-EXAMINATION BY Sri. AJS THE COUNSEL FOR
Defendant-3:**

9. I do not know if it is suggested to me that D3 has not acted beyond the scope of the GPA. I do not know if it is suggested to me that D3 has acted only in terms of the GPA and tripartite agreement. It is false to suggest that D3 is not liable in respect of the suit claim.

**CROSS-EXAMINATION BY Sri. KBS THE COUNSEL FOR
Defendant-1 and 2:**

10. Originally, there was only one work order, but I say that subsequently there are two work orders. I have not produced original of the second work order, witness volunteers, photocopy is produced. It is false to suggest that the second work order is a concocted and fabricated document. I do not know the date of the second work order.

11. It is true to suggest that exhibit P2 produced by me contains all the terms and conditions of the work order. It is true to suggest that as per the work order the entire work had to be completed on or before 8-10-2016. It is true to suggest that the work order is signed by two persons who are purportedly the GPA holders of D1. If I am asked whether the

plaintiff as part of the contract negotiation sought for copy of the GPA, I say I do not know. I cannot say if it is suggested to me that for this reason it can be assumed that the said copy of GPA does not exist in our office.

12. It is true to suggest that Exhibit P3 is ledger account maintained by plaintiff in its database.

13. Question: In Exhibit P3, ledger extract, there is an entry dated 1-4-2021, charging office administrative expenditure of rupees 5,02,000 and odd and I ask you whether there is anything in the contract for charging administrative expenditure?

Answer, There is nothing in the contract to charge administrative expenditure.

14. All entries in the ledger extract pertains to the work order. It is true to suggest that the work order was for plumbing and sanitation works in respect of Wilasa Grand Villaments. It is true to suggest that the location of the project for delivery of works was Raja Farms number 11 kilometer Kanakpura Road, Dodda Kala Sandra, JP Nagar, 9th phase.

15. Question : In the ledger extract at exhibit P3, there is entry dated 4-8-2015, debiting amount of rupees 9,30,000 and odd for work carried out in Ecoplus Hinduja Realty

Ventures and I ask you whether the work order included work at the said location,

Answer: No.

16. It is true to suggest that the entry dated 5-1-2016 in the ledger extract, debiting Rs. 12,25,000 and odd for Intel PLM Fire and Security is not part of the work order. Witness volunteers, the entry relates to work order, but Intel PLM fire and security is not part of the work order.

17. If it is suggested to me that there is another entry dated 30-3-2016 in the ledger extract charging rupees 29,82,000 for same PLM fire and security, I say that expenditure relates to work done under the work order, but our accounts department while preparing the ledger extract have selected the wrong project name.

18. It is false to suggest that the above entries do not relate to the work order at Exhibit P2. I can produce the above invoices. Now, witness is asked to show from the work order at exhibit P2 where it includes work in respect of Intel PLM fire and security and witness admits that Intel PLM fire and security is not there in the work order. If it is suggested to me that similarly entry dated 31-03-2016 for rupees 10,60,000 and odd also does not relate to the work order, I say the amount is related to the work order but the project

name is wrongly stated in the ledger statement.

19. If it is suggested to me that all entries in the work order which relates to any other project other than Wilasa Villaments are not part of the work order, I say all those entries relate to work under the work order but the project name is wrongly stated in the ledger extract. It is false to suggest that since as admitted by me the ledger extract contains various erroneous entries, any conclusion of balance amount due on the basis of the said ledger extract would be wrong.

20. If it is suggested to me that the ledger extract contains various entries for work done at ECOPLIS, Intel PLM, Mantri and Manipal hospital projects and all these works are not part of the work order and hence could not be debited to the account of D1, I say it is true that above projects are not part of the work order, but these entries are correctly debited to the account of D1, but in the ledger extract the project name is wrongly selected by our accounts department.

21. There is no impediment for me to produce all the invoices which are reflected in the ledger extract along with GST details. Witness volunteers, GST and VAT details.

22. I do not know if I am asked whether work order at exhibit P2 records that room rent for our engineer is to be borne by D1. I do not know if it is suggested to me that as per the contract, room rent of our engineer was not agreed to be borne by D1. If it is suggested to me that price mentioned in the work order is inclusive of labour, material and electricity, I say price mentioned in the work order includes labour and material but does not include electricity. I do not know if it is suggested to me that contract involves debris removal. I do not know whether scaffolding is included in the work order.

23. Question, I suggest to you that debris removal, room rent for staff of plaintiff, core cutting and scaffolding are part of the work order and have to be borne by plaintiff ?

Answer, First witness has said no and then witness says I do not know.

24. It is false to suggest that the total erroneous entries in the ledger statement amounts to more than Rs 1 crore.

Further cross examination 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.