

WITNESS CALLED AND DULY SWORN ON 09.01.2026.**FURTHER CROSS EXAMINATION BY SRI.K.V.S., ADVOCATE FOR THE PLAINTIFF:-**

12. On the basis of working capital facility secured by hypothecation of Assets and personal guarantee of Defendant No.2, Defendant No.1 obtained the loan. No fixed Assets were charged by SBI. The Defendant No.1 never held any immovable property in its name. No resolution was passed by Defendant No.1 to carry out responsibilities for me as Non Executive Director of Defendant No.1 company. Without the written communications I am advising the company in a policy advice whenever Defendant No.1 approached me and during Board meetings.

13. I have access of statutory registry and records of Defendant No.1 company. I do not have any authority to represent Defendant No.1 before the SBI as on 2006.

14. It is false to suggest that, the Defendant No.1 is defaulted for payment to SBI as on the date of Ex.D.2. Defendant No.1 has paid Rs.2.00crores to the SBI as part payment of working capital limit dues as per clause 3 of Ex.D.2. I am able to produce statement of account to show the payment of Rs.2.00crores to SBI, that was received from the Plaintiff. It is false to suggest that, we never made any payment to SBI as per Ex.D.2.

15. It is false to suggest that, we have never provided the data as per clause 5 of Ex.D.2 to the plaintiff. We have supplied 42

documents along with 73 CD's to Mr.Deepakchari in the presence of Mr.Ram Agarwal on 06.10.2006 at Hotel 'Lalith Ashok'. No acknowledgment was given for supply of documents. No written communications for acknowledgment of receipt of the above said documents and CD's.

16. Prior to signing of Ex.D.2 we met Mr.Deepakchari and Mr.Ram Agarwal. We do not mentioned about the communications in the W/S for meeting of Mr.Deepakchari and Mr.Ram Agarwal. I have given audited balance sheet of Defendant company as on 31.03.2006 before the signing of Ex.D.2. Based on the financial prepared by the company through the Defendants No.2, 3 and 5, Defendant No.8 has audited the financial provided his certificate. It is false to suggest that, before signing of Ex.D.2, Defendant No.2, 3, 5 and 7 were held meeting for finalizing the Ex.D.2 and 3 with the representatives of plaintiff along with me. Witness volunteers myself and Defendant No.7 were present and had meeting with representative of Plaintiff.

17. Defendant No.7 is Chief Executive officer of Defendant No.1. Defendant No.7 is assisting the MD and he is taking care of Managing Director of Defendant No.1 in day to day affairs. It is true to suggest that, Defendant No.7 is related to Defendant No.2. Defendant No.2 is the Aunt of Defendant No.7.

18. The Defendant No.3 was the Joint Managing Director as on the date of signing of Ex.D.2 and 3. Defendant No.3 was responsible for Business Development and Marketing Activities of

Defendant No.1 company in 2006. It is false to suggest that, Defendant No.3 was taken extension time from the Plaintiff as she informed about she was Pregnant and unable to move around and obtain the various records. I am not aware that, Defendant No.3 was Pregnant immediately after September-2006.

19. It is false to suggest that, after the signing of Ex.D.2 and 3 to avoid providing various data relating to Defendant No.1 company, I started avoiding meeting of the representative of the plaintiff and inordinately delayed providing of various documents. It is false to suggest that, only in October-2007, required data of carrying out Due Diligence Audit Report of Defendant No.1 company was submitted. It is false to suggest that, based on the Due Diligence Audit Report of Defendant No.1 company, carried out Due Diligence Audit Report after October-2007. I have not gone through the Due Diligence Audit Report. Witness volunteers it is concocted document. Till today I have not gone through the Due Diligence Audit Report. As per Ex.D.2 Agreement, no Due Diligence Report has been contemplated, hence, I came to know that Due Diligence Audit Report is a concocted document. I do not remember about the communications with the plaintiff, Defendant No.2 to 7 about stating of Due Diligence Audit Report is a concocted document. Specifically we have not mentioned in W/S about communications with the plaintiff, Defendant No.2 to 7 about stating of Due Diligence Audit Report is concocted.

20. Defendant No.6 is related to Defendant No.2, but not Daughter of Defendant No.2. Defendant No.6 is Non Executive

Director of Defendant No.1 company. It is false to suggest that, except receiving of Rs.2.00crores from Plaintiff by Defendant No.1, Ex.D.2 and 3 never taken forward. It is false to suggest that, based on the Due Diligence Audit Report, Defendant No.8 has made various remarks and provided to Defendant No.2 to 5. I am personally aware about the said facts. Due Diligence Audit Report is a concocted document, hence we never discussed about the said document. I am not aware about Defendant No.2 to 4 were discussed about Due Diligence Audit Report.

FURTHER CROSS EXAMINATION: DEFERRED.

(Typed to my dictation in open court.)

R.O.I & A.C.,

sd/-

(VIDYADHAR SHIRAHATTI)

LXXXII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.