

WITNESS CALLED AND DULY SWORN ON 06.01.2024.**FURTHER CROSS EXAMINATION BY SRI.S.M.S., ADVOCATE FOR THE DEFENDANT NO.1:-**

Advocate for defendant no.1 confronted Memorandum of Association of plaintiff company to the witness, Witness admitted the document. Since the witness admitted, it is marked as **Ex.D.4.** (on condition to produce Certificate U/s.65b of Indian Evidence Act). It is false to suggest that, online UPS product is not a object under Ex.D.4. Witness volunteers it is covered under the computer peripherals, information technology peripherals and alied products.

It is false to suggest that, I am not an employee of plaintiff company. Witness volunteers, I am an Employee and Executive Director of the plaintiff company. It is false to suggest that, I am an employee of plaintiff group company 'Wep solutions'.

It is false to suggest that, no board resolutions was passed for execution of Ex.P.1, power of attorney. The board resolution referred in Ex.P.1 is not produced before this court. It is true to suggest that, I have signed the Ex.P.2 - MOU as witness no.2.
Question: Is it true that, final draft version of Ex.P.2 was circulated between the parties on 21.12.2007 ?

Answer: I need to verify.

It is false to suggest that, the plaintiff has not complied clause 4 of Ex.P.2. Witness volunteers the plaintiff company paid Rs.4.23crores and the same is acknowledged in defendant no.1

balance sheet at Ex.P.21 as on 31.03.2009 as share application money.

It is true to suggest that, in terms of Ex.P.2, Rs.5.00crores to be brought in 01.01.2008 was not complied by plaintiff. Witness volunteers but amount paid to defendant no.1 Rs.4.23crores and same is acknowledged by them in their balance sheet as on 31.03.2009, the reason for non compliance, defendant no.1 supposed to call board meeting, pass the resolution, filed with ROC on 01.01.2008 and also not complied Ex.P.2, clause 2.b. not brought immediately 1.5crores. It is false to suggest that, though plaintiff is aware of that, defendant has called the meeting and passed the resolution.

It is true to suggest that, Plaintiff company arranged necessary ROC fees by way of DD for compliance of ROC. Witness volunteers but the Defendant no.1 was not complied ROC. It is true to suggest that, no amount was paid by the plaintiff company to defendant no.1 between 28.12.2007 and 01.01.2008. Witness volunteers since defendant no.1 not complied the clause 2.b of Ex.P.2. We have made payment after 01.01.2008. We have made payment of Rs.50.00lakhs in January 2008 and Rs.173.00lakhs between July-2008 to December-2008. It is false to suggest that, when the plaintiff made payment, there was no issue of ROC compliance. Witness volunteers since one of the Director of defendant's company was not having DIN number, and also board resolution pending filing in ROC. It is false to suggest that, we have not produced any document to shows that, we have made payment to the defendant no.1.

Witness volunteers we have produced the bank statement along with Plaintiff.

Ex.P.21 shown to the witness, It is false to suggest that, we have deliberately suppressed schedule-15 notes on accounts to balance sheet of defendant no.1. Witness volunteers we have filed information C/C from ROC, since the defendant no.1 has not produced the schedule-15 notes before ROC. It is false to suggest that, Plaintiff in books of account has not treated payment made to defendant no.1 as investment. Witness volunteers the amount shown as current asset and advance for purchase of share.

FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF ADVOCATE FOR DEFENDANT NO.1.

(Typed to my dictation in open court.)

R.O.I & A.C.,

(SUMANGALA S. BASAVANNOUR)
LXXXII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.