

Witness duly sworn on 21.07.2026

Cross Examination by Sri.PKB, Advocate for Plaintiff:

The Inspectorate Griffith India is a Proprietorship concern. One Amith Gosh is the proprietor of the firm. The said Amith Gosh is now retired from the firm. Our head Sanjay Patak instructed me to give evidence in this case. He is the head of Metals and Minerals.

2. We have received summons from the court to give evidence. I have personally received the court summons. In the summons we are directed to submit the certificates/documents to court. My client Mangal Das has given instructions to me to prepare my evidence chief affidavit. I appeared before the court on 07.07.2026 for the first time. As per the court summons I was required to appear before the court on 03.07.2026. Sri.Mangal Das informed me to appear before the court on 07.07.2026.

3. I have not completed 2nd Year PUC. I don't have any special training except given by my company. I am not certified as a Surveyor from any Government approved institution. I am working as Surveyor from the past about 20 years. It is true that, I do not have hold any license to act as a Surveyor. Witness volunteers that, his company is holding license. It is false to suggest that, I have no nexus with Inspectorate Griffith India.

4. I along with my team have done the survey in respect of Ex.D.2 and D.3. We have done the survey based on the request of defendant No.1. They have made two requests for the survey. The first request was in June 2018 and I don't remember whether it was oral or through E-mail. The second request was in September

2019. First request was for stock sampling. Second request was for stack assessment.

5. I don't know what is FIBC packaging and its specifications. I do not know as to whether fly ash is to be packed in FIBC standard containers. It is true that, fly ash is highly sensitive cargo. I don't know if FIBC standard packaging is necessary for export. I have not inspected during our alleged survey as to whether the cargo was packed in FIBC standard. I do not have information as to for what purpose survey was requested to be done. Our survey report was submitted by us to defendant No.1.

6. In Ex.D.2 we have mentioned regarding moisture content. In my evidence chief affidavit, I have not mentioned about the moisture content. It is true that, in the place where we conducted survey, normally during the period from June to September of every year it would rain heavy. The subject matter fly ash was lying in open area at NMPT yard from June to September 2018. It may be true to say that, as the cargo was exposed to rain from June to September, there could be physical changes to the cargo when we allegedly did the second survey in September 2018.

7. It is true that, NMPT yard is customs bound area not open for general public. It is true that, the cargo was stored inside NMPT custom bound area. We have surveyed only the cargo that was shown to us by our client Mangal Das. I do not remember if there was other fly ash stored besides or near the cargo allegedly surveyed by us. We have not mentioned in our report as to whether fly ash was stored in paved or unpaved area. It is true that, cargo is stocked as per each numbered yard. We have not mentioned in our report the yard number where the allegedly cargo was stocked.

8. I do not remember who all were present when we allegedly did the survey. I am aware that, cargo can be stocked in NMPT yard only through the registered C & F agent. It is true that, only the particular C & F agent will have information as to whose cargo is stocked in which yard of NMPT. We have not enquired with any C & F agent before conducting survey. We have not enquired about the same even with our client.

9. It is true that, NMPT permission is required to enter the yard prior to conducting the alleged survey. It is true that, we have not submitted any document to show the permission given by NMPT in that regard. It is true that, fly ash becomes worthless when it comes into contact with moisture. It is true that, as per our report of 06.06.2018, the cargo was already worthless due to excess moisture content. The second survey was done on 01.09.2018.

10. In our second report marked as Ex.D.3 there is no mention about the damage of cargo due to uneven height of stocking of cargo. I have not verified any rules and regulations of NMPT regarding height of stocking of cargo etc. It is true that, the contends of Para No.3 of my evidence chief affidavit w.r.t uneven height of stocking was mentioned by me based on the instructions given by client Sri. Mangal Das. It is true that, all the three times when I have appeared before this court, I was brought and accompanied by Mr.Mangal Das.

11. It is false to suggest that, I am not competent to conduct survey. It is false to suggest that, we have fabricated two documents on the request of Sri. Mangal Das to suit their

convenience in court. It is false to suggest that, I am leading false evidence on the request of Sri. Mangal Das.

Re-Examination: Nil

(Typed to my dictation in the open court.)

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

(Sri.Vinay Devaraj)

**I Addl. District & Sessions Judge,
Mangaluru, D.K.**