

Duly sworn on 02.12.2022

Cross examination by Sri GSG Advocate.

5. There are more than 50 departments in our company. I am working in legal department. It is true to suggest that there is marketing and accounts department in the company. I am concerned with all Court cases and disputes and the legal matters pertaining to the company. If it is suggested that accounting and marketing department will have knowledge about the dispute in question, I say I too have knowledge. In my affidavit for examination-in-chief and plaint I might not have mentioned about having personal knowledge with respect to the dispute in question but as a matter of fact I have personal knowledge. It is false to suggest that I do not have personal knowledge with respect to the matter in dispute.

6. What is stated in Ex.P.12 to the effect that as on the date of the said notice the defendant was liable in Rs. 1,58,31,276/- is true. Defendants have sent reply to the notice by way of e-mail. We have not issued rejoinder to the reply notice. But as sought in the reply notice we have sent statement of account to the defendants. Ex.P.14 is the account statement sent by the company. I have knowledge about accounts department and based on records I am deposing evidence. It is true to suggest that accounts statement should contain debit and credit entries. In the statement attached to Ex.P.14 there are no debit and credit entries. It is mentioned in another statement. It is in the plaint itself. Again I say credit and debit entries are not mentioned in the plaint because there is no payment made by the defendants there can be no such entries. Invoices are produced regarding supply of the materials. It is false to suggest that since no supply has been made there is no debit

entry. It is true to suggest that Ex.P.9 is the e-mail sent by one P.C. Malu, Senior Vice President of plaintiff company to the defendants. It is true to suggest that in Ex.P.9 it is stated that as per our records till January 2020 you (defendant) had released payments due to the plaintiff mill on schedule. It is true to suggest that there are 3 accounts statement before the Court. As per Ex.P.12 it is true to suggest that the defendants have to pay an amount of Rs. 1,58,31,276/-. If it is suggested that in Ex.P. 14 the plaintiff company has claimed the amount due as Rs.1,28,29,262/-, the same has been shown by adjusting Rs. 42 lakh and odd which was in deposit with our company from the defendants side. The said amount of Rs. 42 lakh which is in deposit with us has not been reflected in the plaint claim. It is false to suggest that the plaintiff company has to pay a sum of Rs. 2,26,800/- every year as interest on the deposit amount made by the defendants. It is false to suggest that till December 2022 the plaintiff company is liable to pay approximately a sum of Rs. 4,50,000/- to the defendants towards interest on the deposit amount. We do not have any written agreement with the defendants. It was oral agreement. I have not stated the said fact in the suit. It is false to suggest that Ex.P.19 to 66 invoices are not related to the any of the material supplied to the defendants. Some invoices have been produced in original but some have been produced by way of notarized copies since they were required for statutory audit purpose. This is not mentioned in the suit as well as in the chief affidavit. It is suggested that Ex.P.19 to 66 have been produced for the first time along with my chief affidavit I say by way of sample some invoices had been filed with the suit. It is true to suggest that in Ex.P.10 there is no provision for penal interest and future interest. It is true to suggest that in Ex.P.19 to 66 as well there is no mention made for payment of penal and future interest. It is true to suggest that Ex.P.19 to 66 relate to future interest.

7. It is true to suggest that I have produced certified copy of power of attorney obtained from JMFC Court, Dandeli. It is true to suggest that we have also filed W.P. No. 148013/2020. It is false to suggest that we have mentioned that the cause of action arose in this case upon receiving reply notice from the defendants. Cause of action has arisen in view of non-payment towards the supplies. It is false to suggest that the cause of action mentioned in the writ petition and this suit is different. It is false to suggest that the suit is not maintainable in view of not submitting to pre-mediation. It is false to suggest that the properties in respect of which the injunction has been sought against, have already been disposed off. It is true to suggest that the plaintiff has produced the statement of encumbrance issued by the Govt. of Andrapradesh which is now shown to me which runs into three sheets. It is marked as Ex.D.1 (This document has been produced by the plaintiff and it is in record). It is false to suggest that as per entry number 14/21 and 15/21 in Ex.D.1 item No. 2 of the plaint schedule property has been sold on 29.05.2007 that is much prior to filing of this suit. I do not know that item No.1 of plaint schedule property has been mortgaged with Axis Bank, Patnam Bazar, Guntur District in the month of October 2019. If it is suggested that whatever amount was paid by the defendants to the plaintiff company it was by depositing in ICICI Bank Account No. 039351000084 Mumbai Branch, I cannot recollect the account number because there are many accounts held by the plaintiff company. It is false to suggest that the account statement produced by the plaintiff does not reveal the correct affairs between the plaintiff and defendants. I am not going to produce any further Bank accounts statement of the above said ICICI Bank Account number for the period from February 2020 to till date as being sought now. It is false to suggest that the defendants have already paid all the amounts due to the plaintiff. It is false to suggest that we have fabricated all the documents which have been marked for illegally extracting money from the defendants.

8. Our company is maintaining account books of defendant company and all other dealers. Because the original account book is very bulky the same has not been produced. It is false to suggest that production of original account book is mandatory. It is false to suggest that the account statement produced by the plaintiff in the case are fabricated documents. I cannot produce the original account book for the period from February 2020 to till date but if the Court directs I will produce. It is false to suggest that we are purposely withholding the original documents. Witness now recollects and states that in the invoice there is mention regarding late payment and other conditions. It is false to suggest that we are suppressing the payments made by the defendants from February 2020 . It is false to suggest that the defendants are not liable to pay any amount.

Re-examination – Nil -

(Typed to my dictation in the open court)

R.O.I. & A.C.

Prl.District & Sessions Judge,
Uttara Kannada, Karwar.