

Duly sworn on 15.06.2024.

Cross examination by APH:

2. It is true to suggest that M/s West coast Paper mills limited is the largest paper manufacturing company in India. I do not know that the said company was established in 1955. Since 2011 I have been transacting with the plaintiff company. It is true to suggest that the paper manufacturing of the plaintiff company takes place at its unit in Dandeli. It is true to suggest that the plaintiff company has got its marketing offices at several places all over India. I have visited the plaintiff's Dandeli office twice so far. It is incorrect to suggest that after I visited the plaintiff's Dandeli Office and had discussion I started transaction with the plaintiff. I visited its Dandeli office only for dealers meeting only. It is true to suggest that whenever I placed order for supplying paper, the paper was being supplied from Dandeli factory unit of the plaintiff company.

3. I have seen all the documents produced by the plaintiff in this case. It is true to suggest that Ex.P 19 to 66 invoices have been raised by the plaintiff against my company. It is true to suggest that the plaintiff is claiming that my company is due to pay the amount covered under Ex.P-19 to 66. It is true to suggest that as per Exp-8 and 9 the plaintiff company has sent E Mails to my company demanding payment due under Ex.P 19 to 66. It is true

that I have not sent replies to Ex.P 8 and 9. It is true that the plaintiff company issued a final Legal notice in that respect as per Ex.P-12 to my company. It is true that in response to the same my company has sent reply as per Ex.P 13 thereby demanding supply of statement of account. It is true that as per Ex.PP 14 the plaintiff company sent statement of account as had been demanded under Ex.P 13. It is false to suggest that despite receiving statement of account as per Ex.P-14, our company did not make payment to the plaintiff. Witness says- We made payment. It is the defence of my company that we have made all the payments to the plaintiff which was due under Ex.P 19 to 66 invoices. I have produced Ex.D-4 to 6 Bank statements to show that our company has made payments due under Ex.P 19 to 66. Our company was not sending E mails in respect of payments made by us to the plaintiff always but some times we have sent such E Mails when we made payments by stating in respect of which invoice amount the payment is made. I admit that the E mail now shown to me has been sent by me to the plaintiff which is dated 02.01.2020. It is now marked as Ex.P 79. It is true that I have sent enclosures along with the said E Mail and they are part of the said Email. (Ex.P 79 comprises 5 sheets). Now I have seen another E Mail printout dated 04.01.2020 but I do not remember if I have sent the same to the plaintiff. (The said document is not marked because the witness has not admitted it). If it is suggested that every time our company made payment which is found under

Ex.D-4 to 6 I have sent E Mail separately in respect of which payment by mentioning with respect of which invoice the payment is made, I say I have to check it. I admit the Email printout dated 07.01.2020 and attachments thereto which are now shown to me and I have sent the same. It is marked as Ex.P 80(it comprises 6 sheets). Now I have seen Email printout dated 09.01.2020, 10.01.2020, 14.01.2020, 20.01.2020, 22.01.2020, 24.01.2020, 27.01.2020, 28.01.2020, 30.01.2020, 03.02.2020, 05.02.2020, 07.02.2020, 10.02.2020, 19.02.2020, 20.02.2020 and 25.02.2020. But I do not remember to have sent those E mails to the plaintiff.

Question: Can you demonstrate that the payments made under Ex.D -4 to 6 pertain to Ex.P 19 to 66 invoices ?

Answer: All those invoices towards material supplied we made the payment. I assert that the payments made by my company under Ex.D-4 to 6 pertain to the amount due under Ex.P 19 to 66 only.

4. By looking at the payments under Ex.D 4 to 6 I cannot identify which payment pertains to which transaction. It is false to suggest that even though I have only sent all the E Mails referred above I deliberately denying the same to avoid the liability. It is true to suggest that my E mail ID is desugent@gmail.com. It is true to suggest that Ex.P 79 and 80 Emails have been sent to ssrao@westcoastpaper.com. If asked whether I can produce all the Emails sent by my company from Email ID desugent@gmail.com to

ssrao@westcoastpaper.com during January and February of 2020 I cannot get the data because it pertains to the period four years ago. It is suggested that the E mails sent during any period even relating to period of 10 years ago, the data can be retrieved, I say for the past 4 years our company was not working and therefore it cannot be produced. It is false to suggest that I am deposing false evidence before the court on oath to avoid liability. I have no objection if the plaintiff produces all the E mails sent from desugent@gmail.com to ssrao@westcoastpaper.com during January and February of 2020. It is false to suggest that the payments under Ex.D -4 to 6 pertain to the invoices of 2019 and not the invoices of 2020 covered under Ex.P 19 to 66. It is false to suggest that as on 19.02.2020 our company is liable to pay Rs.1,58,31,276/- to the plaintiff. It is true to suggest that some of the properties of our company were attached in this case. Among the two properties attached in this case one property was sold by our company in the year 2007 itself and another property our company pledged to Axis Bank in 2019 October by way of market for availing O.D loan. It is false to suggest that because our company has not made payment in respect of Ex.P 19 to 66 we have not sent replies to Ex.P 8 and 9 Emails. It is false to suggest that our company, myself and my wife are all liable to pay the suit claim amount to the plaintiff.

Re examination:- Nil

(Typed to my dictation in the open court)

R.O.I & A.C.

Prl.District & Sessions Judge,
U.K., Karwar