

Witness again duly sworn on 22-02-2024**Cross-examination by Preetam J. Masurkar, Managing Director, plaintiff:**

3. I am presently working as Executive Engineer, Ports Division, Karwar. I have produced authorization letter issued by my department to represent in this case. During the execution of subject contract and finalization thereof I was not here as Executive Engineer. If it is suggested that I do not have personal knowledge of the contract in the case and the execution of the work, I say I have studied the records pertaining to the subject contract. It is true to suggest that Karwar Port is the restricted and protected area and to enter inside to execute the subject work the gate passes were required to be issued by the defendant. It is true to suggest that the Executive Engineer Port division is not authorized to issue the said gate passes. Gate passes are issued by the Port Officer, Karwar. It is true to suggest that the gate pass was issued by the plaintiff on 15.07.2013. It is true that the possession of the site of the subject work was handed over to plaintiff on 15.07.2013. But delay has not occurred on our part. Because we have considered the commencement date of the work as 15.07.2013 I say the delay has not occurred on our part. If it is suggested that the delay in issuing gate pass is on defendant side, the delay cannot be attributed to the plaintiff for commencing the work I say since we have considered the commencement date as 15.07.2013 the question of delay does not arise. If it is suggested that since ships were continuously coming to the jatty of the port the defendant could not hand over the site for executing the subject work, I say it is one of the reason but not the sole reason. I am not aware that during the period of execution of subject work by the plaintiff rock phosphate shipments were coming and the unloading of the same was causing dusty and it was hazardous and the same was causing difficulty to execute the subject work. It may be true that two

ships were at a time berthing at the execution site and the plaintiff was not able to take up the work after site was handed over to the plaintiff.

(At this stage the plaintiff seeks time for further cross-examination. Hence further cross-examination deferred).

(Typed to my dictation in the open court)

R.O.I. & A.C.

District & Sessions Judge,
Uttara Kannada, Karwar.