

**DULY SWORN ON: 22-08-2025**

**CROSS-EXAMINATION BY Sri. SS THE COUNSEL FOR  
Petitioner :**

I can read and write English. The affidavit evidence was drafted on my instructions.

- 2.I have read and understood the main petition in this case and also the documents relied upon by the petitioner in this case. I am in hotel business. I am not doing real estate business.
- 3.I am acquainted with B.R. Shetty and Associates. I am a partner of BR Shetty and Associates. The other partners are Vishwanath Shankar, Rajesh Tiwari and subsequently Bharati Shetty. If I am asked what is the line of business of BR Shetty and Associates, I say it was started only to complete this project. By project I mean Ceasers palace which was left incomplete by Nitesh Estates. I have gone through the interim order passed by this court in commercial AA 571 of 2022 dated 15/11/2022. I am aware that said interim order pertains to 33,227 square feet in Nitish Caesar's palace. I am aware that from the date said interim order is intimated to me, it is my duty to abide by the said orders of this court.

4.I am aware that as per the said interim order, whether the petitioner is in possession of the premises or not, I am restrained from interfering with carrying out of fit out activities by the petitioner in the said premises. If it is suggested to me that this order will be binding even if the construction is not completed, I say it is possible. If it is suggested to me that in terms of this order, I was restrained from preventing petitioner from carrying out fit out activities in any manner, I say it is possible.

5.It is true to suggest that No. 24 MN Krisharao Road. Baswanagudi, Bangalore is the residential address of myself, my brother, Sanjay Shetty and my mother, who are respondent No. 2 and 3 herein. It is true to suggest that my email id is abhayarajs@yahoo.com and all my communication by email is through the said email id. If it suggested to me that document now sent to me is a notice sent by RPAD on 12/12/2022, I say I am not aware of it. If it is suggested to me that document now shown to me is email sent by counsel for petitioner to me at my above email ID, I say I am not aware of said email. It is true to suggest that in that document, abayarajs@yahoo.com is stated. It is true to suggest that in the above document which was

shown to me as being a notice sent by RPAD, it is stated as, address is stated as No. 24 MN Krishna Rao Road, Baswangudi, Bangalore. It is true to suggest that the document now shown to me is the notice issued by my advocate to counsel for petitioner and since witness has admitted the said document, the same is now marked as **Ex. P.6**. It is true to suggest that Ex. P 6 is the reply to legal notice dated 12/12/2022.

6.It is true to suggest that if any notice is sent to our residential address and is collected by me or my brother or mother, it will be collected by us on behalf of others also. It is true to suggest that all my earlier email correspondence with the developer was through the same email id i.e. [abayarajs@yahoo.com](mailto:abayarajs@yahoo.com). It is true to suggest that document now confronted to me consisting of five sheets are emails along with attachment exchanged between me and developer and since witness has admitted the same, the said document consisting of five sheets are now collectively marked as **Ex. P7**.

7.It is true to suggest that I had entered into settlement with developer on 28/10/2020 under memorandum of settlement. It is true to suggest that document now confronted to me is the

said deed of settlement, and since witnesses admitted the same, the same is now marked as **Ex. P. 8**.

8.If it is suggested to me that under clause E of the said memorandum of settlement, the building adjoining E-block is the commercial building, I say, commercial building is part of E-block. It is true to suggest that document now confronted to me is the RERA order under which the project was transferred to B. R. Shetty and Associates and since witness has admitted the said document, it is now marked as **Ex. P-9**. If it is suggested to me that under the RERA order at Ex. P9, the takeover by B. R. Shetty and associates was only in respect of 242 residential units, I say it was in respect of block EFGH.

9.Now, three photographs are confronted to witness and asked to show in the said photographs, which part is E block and witness says the entire area seen in the said photographs is E block and the said photographs are now collectively marked as **Ex. P10** (3 numbers). If I am asked when was the construction of the commercial building completed, I say it is still not completed. The residential building is completed, but I have not received the occupancy certificate.

10. If I'm asked whether we have done due diligence for the commercial building, I say we have tried. I have not taken legal opinion pertaining to the whole project. I have not seen the encumbrance certificate pertaining to the entire project before takeover of the project. the other partners have also not seen the encumbrance certificate. If I am asked why the building in the photograph now shown to me is orange in color, I say I have no idea. If I am asked who painted the said building orange, I say the previous builder.
11. It is false to suggest that the commercial building which is orange in color in the photograph now shown to me was painted orange because it was leased out to petitioner i.e. orange self storage private limited and I am aware of said fact. It is true to suggest that as on date, the said building is in white color. It is true to suggest that in the photograph now shown to me, the said building in white color is seen and since witness has admitted the said photograph for said limited purpose, this photograph is now marked as **Ex. P 11**.

**At this stage, further cross-examination deferred since it is lunch time.**

**(Computerized to my dictation in the Open Court as deposed  
by the Witness)**

R.O.I.& A.C,

**(SUDINDRANATH.S.)**

LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE,  
BENGALURU.