

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

Comp.A.No.273 OF 2018
IN
C.P.No.255 of 2011

Date: 26.11.2024

Time: 12.20 P.M.

Name : Mr. V.Sambu (PW1)

Continuation of cross examination by Mr. P.Raja, learned counsel for Respondent.

Solemnly affirmed:

Q22: You have not produced any document to show that confirmation of balance have been given by respondent company every year post 2010. Is it correct?

A: Yes.

Q23: You have not produced any document to show that you have communicated the confirmation of balance have been given by respondent company. Is it correct?

A: Yes.

Q24: You have not produced any document to show that you have paid the service tax to the government. Is it correct?

A: Yes.

Q25: I put it to you that you have created a notional accounting system in order to claim some dues from the respondent.

A: I deny. Witness adds: It has been generated as per the normal accounting standard.

Q26: Each and every agreement with the respondent is covered with post dated cheque

for the entire installment period. Have you produce any document to show that installment cheques have been dishonoured and they have not been made good. Is it correct?

A: No. Witness adds: It has been shown in the Ex.A12 the statement of account of the respondent.

Q27: I put it to you that each and every agreement is maintained separately as per the accounting procedure and all the post dated cheques have been honoured, accounts cleared in order to escape from criminal liability S12 Directors have created some account showing some dues as against the respondent belatedly and you are endorsing the same.

A: Yes. Witness adds: All the cheques has been honoured by the respondent and the outstanding dues is due to increase in SBI PLR which has been included in the bill as per Clause 36 (c) of the Lease Agreement which has been agreed, accepted and signed by the respondent.

Q28: You have not given any communication to show that there was a demand for change of interest payment from the respondent. Is it correct?

A: No. Witness adds: It has been shown in Ex.A12.

Q29: I put it to you that Ex.A12 was not shared with the respondent periodically.

A: I have to check. Witness adds: But there is no any clause in the agreement wherein the statement has to be sent to the respondent periodically.

Q30: I state that the respondents have honoured all the cheques issued to the company and there was no demand from the company for any of the agreements produced herein.

During the period when they were due and the erstwhile Directors cooked up the accounting to suit their convenience to show some dues which is being canvassed by the Official Liquidator.

A: No, it is not true. Witness adds: The outstanding dues are shown in the monthly rental bill wherein the company used to send every month.

Q31: I put it to you that you have not produced any document to show that the bill was send to the respondent company.

A: Yes.

Q32: Similarly, I put it to you that you have not produced any document to show that you have communicated to the respondent as and when there is a change in SBI PLR.

A: Yes.

Time : 12.35 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER-III