

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.(Com.Div) 632 of 2018

Date : 08.08.2022

Time : 12.13 P.M.

Name : Mr.Rakesh P Sheth (PW 1)

Age : 47 Years

Father's Name : Mr.Premkumar Sheth

Office Address : No.340, 1st South Main Road, Kapaleeswarar
Nagar, Neelankarai, Chennai – 600 115.

PW1 examined in cheif by Mr.V.Akash, Learned Counsel for the
Plaintiff.

Solemnly affirmed:

I am the Managing Director of the Plaintiff herein. I am filing my
proof affidavit and additional proof affidavit in C.S.59 of 2018 stating
the facts of this case and the same may be treated as part and parcel of
my examination-in-chief. The following documents may be marked as
exhibits.

Ex.P1 is the photocopy of the agreement dated 24.08.2009(separate
affidavit is filed)(marked subject to proof and relevancy).

Ex.P2 is the original Pre-Final bill dated 31.03.2013.

Ex.P3 is the printout of E-mail stating that Service tax paid by defendant
dated 28.09.2013(Sec.65 filed).

Ex.P4 is the photocopy of the winding up notice sent by plaintiff dated
27.07.2016(separate affidavit is filed)(marked subject to proof and
relevancy).

Ex.P5 is the photocopy of the Company Petition No.361 if 2016 filed by

the plaintiff dated 20.09.2016(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P6 is the photocopy of the letter regards winding up cases transferred from Madras High Court to NCLT Chennai dated 28.03.2017(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P7 is the photocopy of the order in TCP/97/(IB)/2017 passed by NCLT Chennai dated 06.07.2017(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P8 is the photocopy of the order in Company Appeal (AT)(Insolvency) No.315 of 2017 passed by NCLAT Delhi dated 04.01.2018(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P9 is the photocopy of the Form-5 filed by plaintiff before NCLT Chennai dated 22.02.2018(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P10 is the photocopy of the reply filed by defendant in CP/355/(IB)/CB/2018 dated 26.04.2018(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P11 is the photocopy of the order in CP/355/(IB)/CB/2018 passed by NCLT Chennai dated 09.07.2018(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P12 is the photocopy of the turnkey lump sum contract entered into between the plaintiff and the 1st defendant company dated 24.08.2008(separate affidavit is filed)(marked subject to proof and relevancy).

Ex.P13 is the photocopy of the lawyers notice sent by the plaintiff to the defendant dated 07.07.2014(separate affidavit is filed)(marked subject to

proof and relevancy).

Ex.P14 is the original of the final project value statement submitted by the defendant to the plaintiff dated 12.09.2014.

Ex.P15 is the photocopy of the reply notice sent by the defendant to the plaintiff dated 06.10.2014.

Ex.P16 is the photocopy of the reply notice sent by the plaintiff dated 25.03.2015(separate affidavit is filed)(marked subject to proof and relevancy).

Therefore, it is prayed, that, this Hon'ble Court may be pleased to pass a judgment and decree as prayed for in the plaint with cost and further relief may be granted as this Hon'ble Court may deem fit in the facts and circumstances of the present case and thus render justice.

Time: 12.45 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 – I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.(Com.Div) 632 of 2018
&
C.S.59 of 2018
&
C.S.(Comm Div) 113 of 2022

Date : 21.02.2023
Time :02.40 P.M.

Name : Mr.Rakesh P Sheth (PW 1)

Age : 47 Years

Father's Name : Mr.Premkumar Sheth

Office Address : No.340, 1st South Main Road, Kapaleeswarar
Nagar, Neelankarai, Chennai – 600 115.

PW1 examined in cheif by Mr.Anirudh, Learned Counsel for the
Plaintiff.

Solemnly affirmed:

I am the Managing Director of the Plaintiff herein. I am filing my
proof affidavit in C.S.(Comm Div) No.113 of 2022 stating the facts of
this case and the same may be treated as part and parcel of my
examination-in-chief.

Time: 02.43 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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.(Com.Div) 632 of 2018
&
C.S.59 of 2018
&
C.S.(Comm Div) 113 of 2022

Date : 01.02.2024
Time : 03.45 P.M.

Name : Mr.Rakesh P Sheth (PW 1)

PW1 Cross Examination by Mr.Vikram, the learned counsel for the Defendant.

Solemnly affirmed:

Q1: Who prepared the Proof Affidavit?

A: My lawyer prepared the Proof Affidavit.

Q2: Have you filed any Authorization Letter to file the present suit before this Hon'ble Court and to depose on behalf of the Plaintiff?

A: I will have to verify.

Q3: Did you go through the pleadings and documents in C.S.59, 632 of 2018 & C.S.113 of 2022 before filing your Proof Affidavit?

A: Yes.

Q4: Can you tell this Hon'ble Court whether the contents of your Proof Affidavit and additional Proof Affidavits are based on your personal knowledge or information?

A: Personal Knowledge.

Q5: Is it correct to state that defendants 2 and 3 have not filed Written Statements in C.S.No.59 of 2018?

A: I have to verify.

Q6: Can you please see the pleading available in the Court Records in C.S.59 of 2018 and answer the previous question?

A: D2 and D3 not filed the Written Statements.

Q7: Ex.P1 is shown to the witness. Where is the original of Ex.P1?

A: I have to verify.

Q8: I put it to you that the copy Ex.P1 is incomplete and some of the pages at the end are missing?

A: I have to verify but to my knowledge it is not incomplete.

Q9: Is it correct to state that any agreement should contain Signatures of Parties and witnessed by Attesting Witnesses for the document to be tendered in evidence?

A: This document was not prepared by us. It is a legal question. My lawyer will answer.

Q10: Do you know about this requirement?

A: It is not necessary for me to know.

Q11: When can you produce the original of Ex.P1?

A: I have to verify and produce it on Monday.

Time: 04.10 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 - I