

**WITNESS IS PRESENT AND DULY SWORN ON 1.12.2016.**  
**EXAMINATION IN CHIEF BY SRI.RR ADVOCATE FOR PLAINTIFF.**

Today I have filed my affidavit in lieu of my evidence in this case. The facts sworn to in my affidavit are true and correct and it bears my signature.

**(At this stage further examination in chief is deferred at their request.)**

(Typed to my dictation in the open court)

ROI and AC

**(JINARALAKAR.B.L)**  
XL Addl. CC Judge, Bangalore.

**WITNESS IS PRESENT AND DULY SWORN ON 19.1.2017.**  
**FURTHER EXAMINATION IN CHIEF BY SRI.RR ADVOCATE FOR PLAINTIFF.**

I herewith produced copy of brief tender notice dtd.4.1.2007 is at **Ex.P.1**. Paper publication of brief tender notice is at **Ex.P.2**. Letter dtd.24.1.2007 written by the plaintiff to the defendant is at **Ex.P.3**. Letter dte.8.2.2007 issued by the defendant no.4 to plaintiff is at **Ex.P.4**. Copy of prebid meeting held by the defendants is at **Ex.P.5**. Letter dtd.20.2.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.6**. Letter dtd.22.2.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.7**. Letter dtd.1.3.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.8**. List of bidders is at **Ex.P.9**. Letter dtd.29.5.2007 issued by defendant no.4 to

the plaintiff is at **Ex.P.10**. Letter dtd.1.6.2007 issued by the plaintiff to the defendant no.4 is at **Ex.P.11**. Letter dtd.5.7.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.12**. Letter dtd.16.7.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.13**. Rate analysis for actual execution is at **Ex.P.14**. Letter dtd.30.7.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.15**. Letter dtd.9/20.8.2007 issued by defendant no.4 to the plaintiff is at **Ex.P.16**. Letter dtd.9.8.2007 issued by plaintiff to the defendant no.4 is at **Ex.P.17** are marked.

**(At this stage further examination in chief is deferred at their request.)**

(Typed to my dictation in the open court)

ROI and AC

**(JINARALAKAR.B.L)**

XL Addl. CC Judge, Bangalore.

**WITNESS IS PRESENT AND DULY SWORN ON 4.2.2017.**

**FURTHER EXAMINATION IN CHIEF BY SRI.RR ADVOCATE FOR PLAINTIFF.**

I herewith produced letter dtd.3.9.2007 of defendant no.3 issued to the plaintiff is at **Ex.P.18**. Letter dtd.22/26.11.2007 of defendant no.3 issued to the plaintiff is at **Ex.P.19**. Letter dtd.25.12.2007 of plaintiff to defendant no.4 is at **Ex.P.20**. Letter dtd.3.1.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.21**. Letter dtd.25.1.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.22**. Letter dtd.4.2.2008 of defendant no.3 issued to the plaintiff is at

**Ex.P.23.** Letter dtd.8.2.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.24.** Minutes of meeting dtd.3.4.2008 is at **Ex.P.25.** Letter dtd.30.6.2008 of defendant no.1 issued to the plaintiff is at **Ex.P.26.** Letter dtd.2.7.2008 of defendant no.1 issued to the plaintiff is at **Ex.P.27.** Letter dtd.13.8.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.28.** Letter dtd.22.9.2008 of plaintiff to defendant no.3 is at **Ex.P.29.** Letter dtd.3.10.2008 of defendant no.1 issued to the plaintiff is at **Ex.P.30.** Letter dtd.17.11.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.31.** Letter dtd.26.11.2008 of defendant no.3 issued to the plaintiff is at **Ex.P.32.** Letter dtd.10.2.2009 of defendant no.3 issued to the plaintiff along with statement is at **Ex.P.33.** Letter dtd.16.2.2009 of defendant no.1 issued to the plaintiff is at **Ex.P.34.** Letter dtd.16.2.2009 of defendant no.3 issued to the plaintiff is at **Ex.P.35.** Letter dtd.28.4.2009 of plaintiff issued to defendant no.1 is at **Ex.P.36.** Letter dtd.21.10.2009 of defendant no.1 issued to the plaintiff is at **Ex.P.37.** Letter dtd.29.10.2009 of plaintiff to defendant no.1 is at **Ex.P.38.** Letter dtd.4.12.2009 of plaintiff issued to the defendant no.4 is at **Ex.P.39.** Letter dtd.12.12.2009 of plaintiff issued to defendant no.4 is at **Ex.P.40.** Letter dtd.29.9.2010 of plaintiff issued to defendant no.3 is at **Ex.P.41.** Letter dtd.10.8.2011 of CPIO issued to the plaintiff is at **Ex.P.42.** Letter dtd.10.9.2011 written to post master, Basavanagudi post office is at **Ex.P.43.** Letter dtd.27.1.2011 of defendant no.3 issued to the plaintiff is at **Ex.P.44.** Letter dtd.28.1.2011 of defendant no.3 issued to the plaintiff is at **Ex.P.45.** Copy of claims issued by the plaintiff is at **Ex.P.46.** Copy of appeal issued by the plaintiff to defendant no.6 is at **Ex.P.47.** Letter dtd.6.9.2013 of defendant no.6 issued to the

plaintiff is at **Ex.P.48**. Letter dtd.11.6.2013 of plaintiff issued to defendant no.1 is at **Ex.P.49**. Letter dtd.5.6.2013 of defendant no.1 issued to the plaintiff is at **Ex.P.50**. Letter dtd.7.5.2013 of defendant no.6 issued to the plaintiff is at **Ex.P.51**. Letter dtd.18.4.2013 of plaintiff issued to the defendant no.6 is at **Ex.P.52**. Office copy of legal notice dtd.26.3.2012 is at **Ex.P.53**. Reply notice dtd.25.5.2012 issued by defendants to plaintiff is at **Ex.P.54**. Copy of appeal dtd.20.9.2012 is at **Ex.P.55**. Reply to the appeal is at **Ex.P.56**. Complaint-settled reply is at **Ex.P.57**. Letter dtd.20.9.2011 issued by CPIO is at **Ex.P.58**. Letter dtd.19.9.2011 of plaintiff issued to defendant no.6 is at **Ex.P.59**. Office copy of legal notice dtd.8.9.2011 is at **Ex.P.60**. Copy of letter dtd.17.8.2011 of plaintiff to CPIO is at **Ex.P.61**. Complaint-settled reply is at **Ex.P.62**. Copy of letter dtd.1.8.2011 of plaintiff to CIO is at **Ex.P.63**. Complaint-settled reply is at **Ex.P.64**. Letter dtd.11.7.2011 of CPIO issued to plaintiff is at **Ex.P.65**. Letter dtd.11.4.2011 of plaintiff issued to defendant no.4 is at **Ex.P.66**. Letter dtd.4.3.2011 of plaintiff issued to defendant no.4 is at **Ex.P.67** are marked.

**(At this stage further examination in chief is deferred at their request.)**

(Typed to my dictation in the open court)

ROI and AC

**(JINARALAKAR.B.L)**

XL Addl. CC Judge, Bangalore.

**WITNESS IS PRESENT AND DULY SWORN ON 3.6.2017.**  
**FURTHER EXAMINATION IN CHIEF BY SRI.RR ADVOCATE**  
**FOR PLAINTIFF.**

In view of my pleadings and evidence, I pray to decree the suit as prayed.

**(Cross examination deferred at the request of counsel for defendant)**

(Typed to my dictation in the open court)

ROI and AC.

**(RAVINDRA.M.JOSHI)**  
XL Addl. CC Judge, Bangalore.

**WITNESS IS PRESENT AND DULY SWORN ON 29.5.2018.**  
**CROSS-EXAMINATION BY SRI.ANG ADVOCATE FOR**  
**DEFENDANT.**

On looking to the tender advertisement published in the newspaper by defendant, I participated in the bit. There was pre bid meeting. After pre bid meeting tender correspondence commenced. Apart from me another one person participated in pre bid meeting. It may be true said participated person belongs to Vijaya Enterprises. I have not sought any clarification regarding tender.

The defendant has given guidelines. The guidelines given by defendant pertains to the work through which tender was called. In the pre bid meeting defendant asked me to visit work site, study the drawings. Even defendant asked me to see the work site, but I have not visited the site.

It is true to suggest that only after pre bid meeting tender will be submitted. It is true to suggest that after pre bid meeting, tender date was extended by the defendant upto 7.8.2007. During extended period I have not sought any clarification regarding tender. I do not remember whether defendant clarified my questions/doubts about the tender through letter dtd.1.3.2007.

At the time of opening of price bid I was present. No negotiation took place between me and defendant at that time. Witness volunteers that after few days of opening of price bid, defendant called for negotiation.

I am second lowest bidder. First lowest bidder was not agreed to extend his validity offer. Therefore first lowest bidder was back dropped, I became first bidder. It is not true to suggest that I bided more than 15.27% then back dropped bidder. Witness volunteers that I bided Rs.40-lakhs more than back

dropped bidder. It is true to suggest that defendant asked me to reduce the quoted price. It is true to suggest that my offer was more than 35% of estimation of defendant. It is true to suggest that defendant agreed for my quotation of price. It is not true to suggest that after agreeing for my quotation of price, defendant extended time for making inspection of the site, verifying drawing etc.

Offering bid and opening bid are not taken place simultaneously. It is true to suggest that at the request letter from defendant I extended the validity of the tender period. I do not know on what ground defendant requested for extension of validity of tender period. It is not true to suggest that I have quoted my price only after visiting the site, verifying the drawings etc. I have produced drawing at the time of applying for bid. On the basis of the drawing we will approximately know about the proposed work of the tender. The drawing was not in detail, but it was concept of the work. It is not true to suggest that we have to carry out the tender work in accordance with the drawing submitted by us along with tender form. Witness volunteers that at the time of carrying the work, defendant will supply the detailed drawings sketch and good for construction drawing.

After studying the tender drawing sketch, we can make out scope of the work. As per tender drawing sketch we have to construct MOX (machine operation complex) building and sub station building. The MOX building roof will be elliptical doom shape and sub station roof will be flat shape.

Defendant issued work order on 30.7.2007.

**(At this stage further cross-examination is deferred at the request of counsel).**

(Typed to my dictation in the open court)

ROI and AC

**(RAVINDRA.M.JOSHI)**

XL Addl. CC Judge, Bangalore.



**WITNESS IS PRESENT AND DULY SWORN ON 7.8.2018.**  
**FURTHER CROSS-EXAMINATION BY SRI.TD ADVOCATE**  
**FOR SRI.ANG ADVOCATE FOR DEFENDANT.**

The tender was not lum-sum, but it was item rate tender. In item rate all the rates of item, quantity and the manner in which those items are to be executed is made known to the bidders. The tender is submitted in two covers system. Tender includes technical bid and price bid. At the time of bidding in technical bid the bidder can pose any question regarding technical aspect. The agreement was concluded on the same date when work order was issued. I do not remember on which date I submitted bar-chart programme. 15-months time has been fixed for completion of the work as per bar-chart programme. Within 15 days from issuance of work order I took possession of work site. Immediately after issuing work order I started preliminary work of constructing sheds, cement godown, site office etc. Drawing is required for good for construction. Within 15-days from issuance of work order, the defendants have issued only foundation drawings.

From the end of November-2007, I completed work of total columns. I have not sought permission of the defendant at the time of tender

for putting labour shed inside the premises. When I commenced work I asked the defendant for permission for putting labour shed inside the premises as per the norms.

It is true to suggest that I got information about the strike of truck owners/driver. It is true to suggest that I got information of general elections at that time. It is true to suggest that the rainy season is included in the tender period. Due to lorry strike, election, rain I could not execute the work effectively due to shortage of storing the materials arranging labourers etc.

I completed the work on 14.5.2010. It is true to suggest that as per the tender period, there is delay of 547 days in completing the work.

**(At this stage further cross-examination is deferred at the request of counsel).**

(Typed to my dictation in the open court)

ROI and AC

**(RAVINDRA.M.JOSHI)**

XL Addl. CC Judge, Bangalore.

