[Session Name]

test session

[Case Name]

ALPHA DEVELOPER 07

Exported By Rhythm J

On

Aug 5, 2025

Q fact

Page	Source Text	Note	Issues
4	a sequential way what we could do to make a project like this successful. I'm not going to glance through them. They are described in a sequentia...	-	1
1	we're doing. We'll be discussing what happened in terms of reservoir management of this field. A. And I was able to see a document that...	-	2
2	nd reservoir management. In Hindi, or Gujarati, we have a proverb "Hindi spoken", translated in English "a cautious person is always happy." The...	-	2
2	also. In fact, my name is named after the elephant God, Ganesha. So we look at how do we balance ourselves as a reservoir management manager:...	-	2
4	"EWT", extended well test, "EPT", early production test, and producing a few wells very fast, producing a few wells early on for a limited...	-	1
3	mility. What I have learned is that more I study, more I feel I know less about the subject. Because things are complicated and we have to realise...	-	1
1	a porous medium six water meanders through gas and traps the gas and I'm going to show it to you, sir. A huge amount of gas can be trapped when t...	-	1

Quick Mark

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1	particular field. You got to find out different		Unassigned
20	But they will rarely give you a cheque, security, we		Unassigned
2	spoken", translated in English "a cautious person is		Unassigned
1	the reservoir is heterogeneous, when there is water		Unassigned

01	00:00:00	Test test
02	09:40:40	(9.40 am)
03	09:40:44	WITNESS: Nobody is going to give you analogy A for your
04	09:40:50	particular field. You got to find out different
05	09:40:56	elements from analogy from different fields all around
06	09:40:58	the world. This is exactly what we did in Chevron
07	09:41:04	when I worked for them.
08	09:41:05	Last but not least, we have to control our
09	09:41:14	professional insight into problems we encounter.
10	09:41:19	We're not going to get 80, 85 per cent recovery when
11	09:41:24	the reservoir is heterogeneous, when there is water
12	09:41:28	influx, whether edge water or bottom water. It
13	09:41:32	doesn't matter.
14	09:41:33	When water hits the gas, it's not like a piston
15	09:41:40	displacement. It's a porous medium six water meanders
16	09:41:47	through gas and traps the gas and I'm going to show it
17	09:41:51	to you, sir. A huge amount of gas can be trapped when
18	09:41:55	the reservoir influx.
19	09:41:57	1 Q. So this is a summary of what should have happened and
20	09:42:02	what didn't happen?
21	09:42:03	A. Now, we're moving to the next slide, which is the
22	09:42:14	fundamental principles of reservoir management.
23	09:42:17	CHAIRMAN: We'll be discussing the guiding principles in
24	09:42:22	what we're doing.
25	09:42:27	We'll be discussing what happened in terms of

01	09:42:31	reservoir management of this field.
02	09:42:32	A. And I was able to see a document that Government of
03	09:42:40	India/DGH had regarding avoiding over-production,
04	09:42:51	preventing early water breakthrough and optimising
05	09:42:56	recovery. It is realised, but can we practice these
06	09:43:03	things?
07	09:43:03	MR SALVE: So now you are in India. You got to love
08	09:43:12	elephant also. In fact, my name is named after the
09	09:43:21	elephant God, Ganesha.
10	09:43:26	So we look at how do we balance ourselves as
11	09:43:34	a reservoir management manager:
12	09:43:37	"We have a big load to carry. Do this weekly and
13	09:43:43	you will be able to extract more gas. We all know
14	09:43:45	investment confidence is proportional to the certainty
15	09:43:51	of the outcome."
16	09:43:53	So investment decision in D1-D3 required is
17	09:43:59	special care. We need to be cautious and judicious.
18	09:44:08	In our forecast of OGIP recovery factor, RF, reserves,
19	09:44:15	facilities design and reservoir management.
20	09:44:18	In Hindi, or Gujarati, we have a proverb "Hindi
21	09:44:27	spoken", translated in English "a cautious person is
22	09:44:39	always happy."
23	09:44:41	Then we look at exposure to risks can be optimised
24	09:44:49	through economic honesty in estimating OGIP and
25	09:44:57	reserves.

01	09:44:59	Maybe a cautious person would never go into
02	09:45:01	hydrocarbon recovery?
03	09:45:02	A. Sir, I am cautious person and I have made a very good
04	09:45:09	living in the hydrocarbon business, for the last
05	09:45:13	55 years.
06	09:45:14	CHAIRMAN: But you're over there in Houston. You can't
07	09:45:19	do all of the cases that come up, including in India,
08	09:45:23	and the contractor had very good technical advisory
09	09:45:28	people. You say they made mistakes and that's what
10	09:45:32	we've got to focus on.
11	09:45:33	But amongst the many differences, that's the
12	09:45:41	nature of professionalism?
13	09:45:43	A. Absolutely. Just like two doctors have slightly
14	09:45:47	different opinions regarding the same patient at times
15	09:45:52	and that is okay.
16	09:45:53	Technical sincerity regarding connectivity,
17	09:46:01	deliverability, delta "P", pressure drop, excessive
18	09:46:06	production rates. These are what to focus on in
19	09:46:10	bringing the humility.
20	09:46:11	What I have learned is that more I study, more
21	09:46:22	I feel I know less about the subject. Because things
22	09:46:30	are complicated and we have to realise respect the
23	09:46:39	force of nature.
24	09:46:39	So now we moving to risk and uncertainties.
25	09:46:49	Definition of risk, exposure to danger, but that can

01	09:46:54	be minimised through preventive measures.
02	09:46:57	These are the GIPIP of our industry. Definition
03	09:47:04	of uncertainty, there are multiple outcomes. Because
04	09:47:11	there is insufficient information.
05	09:47:12	We cannot eliminate the risk, but how we manage
06	09:47:19	the risk and reduce the uncertainty is very important.
07	09:47:25	In our business, sir, there is no silver bullet, but
08	09:47:32	E&P industry continues to flourish.
09	09:47:37	Today US is producing 13.3 million barrels of oil
10	09:47:43	per day. Production in the US is higher than ever
11	09:47:49	been before. So this industry is flourishing. We
12	09:47:59	just have to be careful and manage the projects
13	09:48:01	appropriately.
14	09:48:01	I always believe defence wins the championship.
15	09:48:10	So that's the philosophy I have always followed.
16	09:48:10	CHAIRMAN: So that's the philosophy I have always
17	09:48:14	followed.
18	09:48:21	enough about our reservoir and is listed in this
19	09:48:29	particular slide in a sequential way what we could do
20	09:48:34	to make a project like this successful.
21	09:48:37	I'm not going to glance through them. They are
22	09:48:49	described in a sequential phase.
23	09:48:52	Q. Kindly look at this item 3, "EWT", extended well test,
24	09:49:07	"EPT", early production test, and producing a few
25	09:49:13	wells very fast, producing a few wells early on for

09:49:19 a limited time and creating the data that you create
09:49:26 in the production phase you create that data early on.
09:49:30 You collect that data early on?
09:49:33 A. And you calibrate your reservoir model to make
09:49:40 a forecast. Then this is what we followed exactly in
09:49:46 2004 in the Jansz and Sanholo fields in the deep water
09:49:53 of Gulf of Mexico.
09:49:54 I'm very proud to tell you, sir, that was a very
09:49:58 difficult formation called Wilcox formation. The net
10 09:50:03 to gross ratio in that field is even more complicated
11 09:50:08 than D1-D3.
12 09:50:08 So I didn't know how to make a production forecast
13 09:50:14 just using simulation and material balancing equation.
14 09:50:16 SIR BERNARD RIX: So what we had to do?
15 09:50:20 A. Is do early production test. Because production test
16 09:50:28 is your gold standard for these kind of projects.
17 09:50:33 Q. Geological means and geophysical means alone.
18 09:50:41 It has to be holistic. It has to be integrated?
19 09:50:46 A. So now we move to the guiding principles of GIPIP and
20 09:50:58 UK has done a great job in providing a good field
21 09:51:05 development planning guidelines that you see the
22 09:51:10 reference here. Once again, EWT is extended well test
23 09:51:18 that you produce the well for an extended time period.
24 09:51:20 Early test is very similar and you produce the
25 09:51:28 well as early as possible and collecting the data.

09:51:33 The purpose of EWT and/or ep T is to obtain
09:51:41 essential field and then reservoir information and
09:51:47 follow a phased development approach by producing and
09:51:56 production, in a phased development approach is what
09:51:59 we need to follow.
09:52:00 The key fact, features of FDP also and will be an
09:52:10 explanation of the commitments that the licensees are
09:52:13 making regarding facilities, number of wells, to bring
09:52:18 forward a sound development.
09:52:20 (9.52 am)
09:52:23 (Short break)
09:52:24 (9.53 am)
09:53:16 CHAIRMAN: The operator did not estimate reserves
09:53:23 properly.
09:53:23 A. There was improper characterisation of reservoir.
09:53:31 Reservoir simulation was not used effectively,
09:53:37 sensitivity analysis were not performed appropriately.
09:53:42 The drive mechanisms were not simulated effectively.
09:53:47 Any time an operator doesn't follow the process,
09:54:00 we get burned. If we follow the process, still there
09:54:07 is no 100 per cent guarantee, but the chance of
09:54:11 success is very high -- very high.
09:54:15 Q. So this is coming out of directly PRMS 2007 is what
09:54:26 often happens, and we had in D1-D3, such as those
09:54:31 involving water influx we had water influx.

09:54:34 So we had multi-phase behaviour:
09:54:39 "We have a multi-layered system and then it's like
09:54:42 this and it means this means the reservoir is not like
09:54:45 a sand box."
09:54:47 A. The reservoir has many layers like a layered cake and
09:54:54 each layer has sometimes different permeabilities. So
09:55:01 the gas and water phases flow at different velocities
09:55:06 in these layers.
09:55:08 5 Q. So there is no way you can stop the water. So
09:55:17 overproducing a given field at a high rate in
09:55:19 a multi-layered reservoir, come on, it's not possible..
09:55:32 Also the predictive models are most reliable in
09:55:36 estimating recoverable reserves when there is enough
09:55:42 production historical data, which wasn't here present.
09:55:49 So can't rely on models only. You got to be
09:55:53 cautious. You got to be ready?
09:55:57 A. For these kind of scenarios. If we are not careful,
09:56:06 we get burned.
09:56:07 JUSTICE KHARE: That's exactly what happens.
09:56:10 A. Guiding principles for GIPIP models must match
09:56:21 reality. Validate the model. Don't just model it.
09:56:29 Because if the models are not validated, they are not
09:56:33 useful. They're only a scientific tool. How do we
09:56:40 use that scientific tool is also very important.
09:56:43 In IDL situation, if the reservoir was completely

09:56:51 homogeneous in the D1-D3 field, if all the sands
09:56:59 behave the same way, if they were continuous, if they
09:57:05 were isotropic, that means permeabilities in different
09:57:12 directions are the same and if there is sufficient
09:57:18 high quality pressure data is available, just having
09:57:23 the pressure data from the MDT is not that useful for
09:57:29 material balance methodology.
09:57:30 If we rely on material balance only, we're going
09:57:39 to get surprises. This is what we got to focus on.
09:57:45 The predictive models are most reliable in estimating
09:57:51 recoverable quantities when there is sufficient
09:57:55 production history to validate the model. If we don't
09:58:01 have this, we got difficulties.
09:58:03 Moving now onto reserves. What we see here on
09:58:16 this graph on the right side is the reserves value on
09:58:22 the vertical axis and they are proved reserves, P1,
09:58:30 with more than 90 per cent confidence. Equal to or
09:58:38 more than 90 per cent confidence.
09:58:40 Horizontal axis gives different estimates which
09:58:44 are available.
09:58:45 These are by different reports, GCA, D&M, PGS, RIL
09:59:01 and different sized entities have come up with
09:59:06 different estimates of P1 reserves.
09:59:08 If you look at the values until 2006, until 2007,
09:59:22 except for one value, where would be our P1 reserves

09:59:28 estimates from this data? Can anybody guess?
09:59:31 My honourable counsel, can you guess the values
09:59:38 that we would get?
09:59:39 You know, anybody can guess the value is going to
09:59:44 be 7 or 8. No, that's an outlier. The value is going
09:59:50 to be around 3 plus/minus -- 3.5.
09:59:57 Well, in this field, we've produced 2.3.
10:00:02 7 Q. That's what you're looking for.
10:00:08 A. P1 reserves, especially in the US, Security and
10:00:16 Exchange Commission goes after you in your P1 reserves
10:00:23 are off. Look at what happened to Shell in 2004.
10:00:29 CHAIRMAN: I saw that mentioned in a footnote at some
10:00:33 stage I'd be interested to know?
10:00:35 A. Absolutely, sir. Absolutely, sir.
10:00:38 P1 reserves, it is really like in the US, when
10:00:45 I worked in the reserves, evaluation -- by the way,
10:00:49 for Chevron I worked 15 years in the reserves
10:00:51 evaluation for all over the world.
10:00:53 CHAIRMAN: Yes, but you're one person, a very skilled and
10:01:01 expert person. There are lots of people with
10:01:04 expertise and they have to also be used in faraway
10:01:10 countries. I mean, this is a worldwide thing.
10:01:13 A. Absolutely. Thank you, sir.
10:01:14 So P1 reserves we have to be very accurate.
10:01:19 P2 frankly speaking, Security and Exchange

10:01:24 Commission in the US.
10:01:27 Does not even pay attention to. They're not going
10:01:32 to check you on that. But on P1 if you're wrong, they
10:01:38 are going to take care of us. So we got to be just
10:01:42 right in P1.
10:01:43 So now let's move to project management process,
10:01:50 PMP, to create maximum value.
10:01:53 You may recall this picture comes from WRMP. This
10:02:00 picture is used by Chevron, in the Gorgon field, in
10:02:05 the Jansz field of the gas production.
10:02:07 What this picture shows is that it's not possible
10:02:12 to find the value on the vertical axis on the
10:02:16 horizontal, says from phase 1 to phase 5. Just
10:02:39 like this.
10:02:39 Q. What it shows is that if you define the project
10:02:48 properly, and if you execute the project properly, you
10:02:58 create tremendous value. When we are unable to define
10:03:04 the project clearly, on top of that when we execute
10:03:13 the project also not so properly, also we get ^ a poor
10:03:24
10:03:30 A. In a case like Ormen Lange in Norway, which we have
10:03:39 referred in our statements before, when we see there
10:03:45 is that they had forecasted -- and now we're talking
10:03:50 about Shell and statistic oil managing that project in
10:03:54 Norway ^name), their forecast was 12 TCF. Very

10:04:00 similar capital expenditures.
10:04:02 They have already produced 10 TCF. Wonderful
10:04:11 performance. Wonderful performance.
10:04:16 Somebody that you like to give a grade of A.
10:04:22 9 Q. Look at the situation we face here. Poor project
10:04:32 definition?
10:04:32 A. Poor execution.
10:04:35 10 Q. Our forecast of 10 TCF, 10.03, management committee
10:04:43 report, a consensus, then result is 2.3.
10:04:53 SIR BERNARD RIX: Can I just say that -- no. ^^ ignore
10:04:59 me.
10:05:00 WITNESS: Please.
10:05:01 MR SALVE: I was in fact going to point out it's almost 5
10:05:06 past 11. We are on page 16 and he has 45 pages. ^^.
10:05:13 SIR BERNARD RIX: I was going to wait until 11.15, which
10:05:16 is an hour.
10:05:17 CHAIRMAN: This is very interesting and very useful,
10:05:25 Prof Thakur. But we have to keep our eye on the
10:05:30 clock, because we only have three days to hear very
10:05:35 distinguished experts being cross-examined and
10:05:39 therefore, if you could find a way and in consultation
10:05:44 with Prof Kondapi, to squeeze it.
10:05:50 You've got over some very important points, but
10:05:55 we've got to watch the clock in fact sh?
10:06:00 A. Thank you, sir. I will try to follow.

10:06:04 But most important thing is that you have the
10:06:08 slides to read and all the things that I'm planning to
10:06:15 convey, they are documented in the slides. So I'll go
10:06:19 a little bit faster.
10:06:20 So now we look at the gas reserve field
10:06:29 development planning.
10:06:30 11 Q. We are aware of these things already very well, so I'm
10:06:38 going to, in the interests of time, I'm going to skip
10:06:41 this slide. I'm going to go to next slide, which is
10:06:46 regarding recovery factor calculation.
10:06:49 A. Recovery factor calculation for a gasfield or any
10:06:57 hydrocarbon field has to be consistent with the drive
10:07:03 mechanism. If you have depletion drive, you are going
10:07:09 to get high recovery. If you got water influx, there
10:07:15 is no way you're going to get 85 per cent recovery --
10:07:21 no way. Technically impossible.
10:07:22 So what I have done here is -- and this is what
10:07:28 AIDP mentions when they use a value of 85 per cent ^^
10:07:34 they look at the UK publications on oil and gas
10:07:41 recovery and they list the field with depletion, dry
10:07:47 gas reservoirs recoveries, number of fields on the
10:07:51 vertical axis, on the horizontal axis is the recovery
10:07:55 range.
10:07:55 So you're going to get some reservoirs with
10:08:02 85 per cent recovery, but you're going to get lot of

10:08:06 reservoirs with 35, 4555, 65 recoveries and they are
10:08:15 without water influx.
10:08:17 12 Q. So when you add water influx to it, these curves,
10:08:24 these graphs, they shift to the left.
10:08:26 Look at where do we stand in D1-D3?
10:08:34 A. I give you an example analogy Ram Powell field, which
10:08:48 has been utilised by the claimant also in the
10:08:51 Gulf of Mexico. The field was discovered in 1985.
10:08:59 Please kindly refer to those papers.
10:09:00 13 Q. Which are being provided?
10:09:02 A. And they had similar issues of thin-bedded reservoirs
10:09:12 and they were not sure if they are going to be
10:09:16 contributing. What did they do.
10:09:20 14 Q. They did early production testing ^^.
10:09:25 A. And determined how these reservoirs are going to
10:09:32 contribute.
10:09:32 15 Q. Now, I'm going to bring an example from Angola, which
10:09:39 is also an oil and gas reservoir. It has oil, it also
10:09:46 has gas?
10:09:46 A. And I would like to request you to look at bullet
10:09:52 number 2, that using an early production system here,
10:10:01 they were able to test the productivity and that
10:10:06 productivity provided them information regarding
10:10:11 reservoir continuity.
10:10:11 16 Q. And they mention in their paper it should be noted

10:10:19 that these insights couldn't have been obtained by any
10:10:24 other method than by producing the reservoir. That's
10:10:30 the point I like to mention?
10:10:31 A. I wish we had produced the reservoir. I wish we had
10:10:35 done some.
10:10:36 (10.10 am)
10:10:39 (The hearing adjourned until 10 am on the following day)
10:10:39 I N D E X
10:10:39
10:17:33 It is article 7 of the subcontract, where it
10:17:40 mentions the liquidated damages.
10:17:42 I will, if I may, read it to you:
10:17:45 "The second party shall stick together with the
10:17:47 first party's documentation and then over the time of
10:17:49 depletion, if the progress of the subcontract is
10:17:52 delayed, the first party shall have right to
10:17:55 AED 50,000 per calendar day for a maximum of
10:17:58 10 per cent of the final subcontract amount."
10:18:00 First of all, there are two problems with this
10:18:03 sentence. It says "if the progress is delayed". It
10:18:06 doesn't say that completion is delayed.
10:18:09 And progress delay any liquidated damages, let's
10:18:13 say that these are liquidated damages. Then this
10:18:17 liquidated damages have to be proven, because these
10:18:19 are not pre agreed to, this thing, this 50,000 per

10:18:23 day. How they suffered by delaying the progress?
10:18:27 Because they also delayed the progress by agreement
10:18:31 with the client.
10:18:32 The second thing is that there is no other mention
10:18:35 of liquidated damages anywhere because it just then
10:18:40 goes to say that penalty is back to back. Now,
10:18:43 penalty and liquidated damages in UAE courts are
10:18:46 treated as interchangeable.
10:18:48 Plus there is something whatsoever in that. So
10:18:55 that means that when there is no mention, the intent
10:19:01 is that this is a penalty. Even respondent himself
10:19:08 one of his letters has mentioned that we'll be
10:19:10 charging a penalty of 50,000, which are liquidated
10:19:12 damages as per clause 7.
10:19:26 Second thing is it is all back to back. In what
10:19:30 way the respondent would refer to any penalty on
10:19:36 liquidated damages by the main contract.
10:19:52 Q. We speak about the NCR. This one is item 17 on page 3
10:20:16 of the document on the screen.
10:20:18 Q. It's the deduction:
10:20:19 "Due to claimants' failure or rectifying BTU meter
10:20:24 leakage."
10:20:28 A. This one, deduction is after the defects liability
10:20:33 Q. Okay. The cost of respondent's staff overstaying
10:20:50 after claimant left the site during DLP, this one you

10:20:57 also reason, number 1, let us say that in case if the
10:21:17 claimant delays the project, what options does the
10:21:24 respondent have? He can either terminate the
10:21:26 subcontract or he can charge penalty or liquidated
10:21:29 damages as per the contract. This is one.
10:21:35 But whereas the overstaying is for what?
10:21:37 Overstaying he has not now, for example, there are
10:21:41 three, four claims of overstaying. One is because of
10:21:45 DEWA, the respondent expert has put charges as staying
10:21:56 after the handover, because he then says that to stay
10:22:02 and he says 30 per cent amount is to be given for
10:22:08 solar as well as AC.
10:22:10 Now, the only these two were outstanding issues
10:22:13 and for which seven workers, two supervisors and one
10:22:18 project manager they stayed for seven months and
10:22:21 30 per cent of their time they devote in doing what?
10:22:24 Because anyway, the equipment was replaced.
10:22:31 CHAIRMAN: Now, as we move to the extension of time and
10:22:37 prolongation cost, so you in your report you state
10:22:42 that the extension of time is of 344 days, because you
10:22:55 conclude that there were 221 concurrent delays, so the
10:22:59 costs are 2,490,000?
10:23:01 A. Extension of time is not that. Extension of time is
10:23:06 564 days, out of which 21 is the concurrent delay I
10:23:09 was referring to earlier.

10:23:09 Q. Let me just go back.
10:23:19 So I think it's by the end. So I wanted to ask
10:23:25 you on the delay events, for example, because what you
10:23:28 say at the end of each delay, is that what -- so if we
10:23:40 go delay event number 1, so what I wanted is to
10:23:45 explain to you how, for example, delay event number 1
10:23:51 impacted the project and the critical path to the
10:24:00 extent that it become compensible.
10:24:02 compensible.
10:24:11 Q. And the 12-month prolongation started in
10:24:15 February 2019, which was after the initial completion
10:24:20 date was completed. So there was already a delay in
10:24:31 for the project. So I want you to explain to me,
10:24:34 please, how that extension of 12 months had, you know,
10:24:40 impacted the critical path?
10:24:41 A. Actually, this to be explained to you by the other
10:24:51 witness. The reason is you have to put -- as you can
10:24:54 see here, I have put a fragnet. I impact any
10:25:00 programme with a fragnet.
10:25:04 One is your extension, because there are event
10:25:06 which are over-lapping and which are overflowing the
10:25:11 works.
10:25:11 SIR BERNARD RIX: So for example, in delay event number
10:25:19 2, you say:
10:25:21 "This event by itself does not entitle the

01	10:25:23	claimant to an extension of time as this event does
02	10:25:26	not affect the critical path. However, as a direct
03	10:25:28	consequence of this on the roof, it has led to an
04	10:25:32	extended delay."
05	10:25:32	delay." ^doc.
06	10:25:33	^doc.
07	10:25:33	^doc.
08	10:25:33	^doc.
09	10:25:33	^doc.
10	10:25:33	^doc.
11	10:25:33	^doc.
12	10:25:33	^doc.
13	10:26:16	A. You see, in order to impact the programme, the event
14	10:26:29	has to impact the critical path. The critical path
15	10:26:32	means without that it cannot go ahead.
16	10:26:34	Now, here this did not impact the critical path to
17	10:26:41	the full extent. The chiller installation, testing
18	10:26:45	HVAC, handover all these things were not impacted
19	10:26:48	because overall delay was less, impacted comes only
20	10:26:52	16 days and that is the impact I have taken into
21	10:26:54	account on this.
22	10:26:57	Q. Here, for example you, didn't count the whole seven
23	10:27:02	days as delay?
24	10:27:04	A. I have marked it as a delay, but it is not on the
25	10:27:07	critical path. I have not taken it as an impact.

10:27:15 Q. I think that's it for you, Mr Ajeet. I think that's
10:27:30 it. Thank you so much. Let me just stop sharing.
10:27:40 Thank you very much for giving your evidence.
10:27:42 A. If I may just say something?
10:27:44 Some of the sentences are especially -- I have
10:27:46 spent 35 years on the site. So my way of talking is
10:27:50 a little bit rough. I'm not exactly a model of
10:27:56 politeness, so --
10:27:58 Q. No, you have been very polite and cordial. Thank you
10:28:02 for your evidence and your experience is highlighted
10:28:04 in your report which I read. Thank you very much.
10:28:14 CHAIRMAN: We are running very late, gentlemen.
10:28:18 I think, you know, what do the parties need in
10:28:23 terms of cross-examining the witnesses? There's no
10:28:29 problem. We just wanted to draw your attention that
10:28:32 it's 2.30. We are running almost two hours late --
10:28:47 actually, not two hours late. One hour late.
10:28:49 Let's have a 10-minute break and then resume at
10:28:57 2.40. Is that okay? Or you prefer to continue?
10:29:00 MS BAJAJ: 15 minutes, if it doesn't bother anyone.
10:29:08 CHAIRMAN: It's okay for you?
10:29:16 We want to make sure of what Mr Ram will be giving
10:29:31 evidence on is the fact witness that you witness
10:29:35 statement that you wrote, that is dated 29 May 2023,
10:29:42 is that correct

01	10:29:42	is that correct?
02	10:30:05	Cross-examination by MR SPRANGE
03	10:30:08	MR SPRANGE: Good afternoon.
04	10:30:10	Q. So let's go to the main point. You have said in the
05	10:30:20	first paragraph under the heading, "Early stages of
06	10:30:23	the project", this damage has been a problem from the
07	10:30:27	beginning. They knew how many bank guarantee in this
08	10:30:32	contract and despite that mostly with the bank, but
09	10:30:37	they signed this subcontract from the bank guarantee
10	10:30:39	some time. I just wanted to ask you what is ask you
11	10:30:44	to do with this?
12	10:30:45	A. On this issue they knew that they are not able to make
13	10:30:56	bank guarantee. They have not read it in the banks.
14	10:31:00	Even as soon as we started this after three
15	10:31:02	months, they wanted to bring chiller to import it.
16	10:31:09	They give us a letter.
17	10:31:10	In that letter, they explain that they are
18	10:31:14	incapable with their bank of their LC. They requested
19	10:31:18	an LC. So if they are an honest subcontractor, they
20	10:31:23	should not come to this contract or at least they
21	10:31:25	should not promise me they did bank guarantee. They
22	10:31:28	knew they cannot bring within the guarantee period.
23	10:31:30	But they will rarely give you a cheque, security, we
24	10:31:35	will bring bank guarantee later. It's even now they
25	10:31:38	did to me. I consider they are dishonest from the

10:31:42 beginning.
10:31:42 beginning.
10:31:49 A. They didn't substitute. They say temporary we give
10:31:54 you this cheque, considering the bank guarantee.
10:31:58 Whenever we push them, they said, "Wait, wait".
10:32:01 Q. But as we have on the record that the performance
10:32:07 security cheque is with you and not encashed it.
10:32:10 A. Yes, yes. I didn't want to make trouble for them.
10:32:13 I didn't do.
10:32:25 Q. How has it prejudiced your client or you to set up
10:32:34 a bank guarantee they are giving you a performance
10:32:36 security cheque plus 10 per cent retention. How does
10:32:39 it prejudice your case?
10:32:41 A. Look, this company they said we are paying you a bank
10:32:48 guarantee until then. We did not take 10 per cent of
10:32:54 this or any amount until we bring this bank guarantee
10:32:58 to you. But you know what will happen?
10:33:00 First of all, take a lot of times has no value
10:33:05 because it is going to bonds bank guarantees
10:33:10 100 per cent guarantee.
10:33:11 Another one. Any deduction you do 10 per cent for
10:33:16 example instead of performance you deduct that, in the
10:33:22 every stage of the project it is a part of the total.
10:33:27 The bank guarantee is the total amount of the
10:33:29 project -- 10 per cent, not total. But any payment

10:33:32 received is the lesser amount, so this is also to the
10:33:40 For example, if they have done 20 per cent, this
10:33:44 will be 2 per cent of the total project deduction.
10:33:49 But if they have given bank guarantee, it is exactly
10:33:52 10 per cent of the total guarantee by the bank. So
10:33:56 this is the help I have accepted. This one is with
10:34:00 them.
10:34:00 Q. So could you have encashed the performance security
10:34:04 cheque? Why didn't you do it?
10:34:10 A. If they were not their enemy. I'm not their enemy.
10:34:14 I consider their contractor. They requested my help.
10:34:17 I give them a chance. I gave them a chance.
10:34:19 Q. How long do you give a chance for? This project
10:34:24 started on 27 October. The agreement was signed on
10:34:28 27 October 2017. They were supposed to give the bank
10:34:32 guarantee at the initial stage only. You kept on
10:34:35 supplying all the time with them. What do you mean to
10:34:39 say they just unhappy you still continue with them?
10:34:43 A. Look, if you see what other thing I have done for
10:34:46 them, I tell that -- something has happened to this
10:34:54 screen now. I don't see you.
10:34:56 Okay. I can tell you that the bank exist for more
10:35:05 than 30 years. No money for the construction site.
10:35:10 I never went to their premises. But a lot of time
10:35:16 because of the subcontractor I went to site to give

10:35:31 them a chance. Until the day that we realise they are
10:35:34 completely incapable and we terminated them.
10:35:39 My limit of patience, then one day we said enough.
10:35:45 Then we sent to them a termination letter. After
10:35:48 that, this is another thing that I complain about,
10:35:51 this event what you have written as lawyer you listen
10:35:56 to them and they say as a witness. You didn't write
10:36:02 the truth. You have written that respondent realised
10:36:08 that the termination letter is not legal and they just
10:36:15 simply need the wrong letter. No.
10:36:24 A. Yes, yes, yes. I can prove to you that this is what
10:36:27 is going -- (overspeaking) -- you are not reading in
10:36:30 the letter properly. You now --
10:36:33 Q. Mr Ram, you may get into that aspect here.
10:36:56 {I628986904}{S.}{TR:5}{P14}