

SUNIL KUMAR JAIN

Advocate

Courts chamber no.7
Resi. & office
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Mobile :94120-10861
Date :- 24.3.2014.

To,
The Chief Manager,
Bank of India,
Kamla Nagar Branch,
Agra.

Dear Sir,

Re: Title opinion on the Property Panchsheel Apartments situated at mauja Kakreitha Tehsil & Distt. Agra. Khasra Nos. 771,774 & 776 Minjumla Non-Z.A.Land Mohal Shakkhan Lal, Lohamandi Ward.Agra.

That I, on the basis of the Original Title Deeds forwarded to me pertaining to the said immovable property and the other information submitted by you, have conducted a detailed search and investigation and submit my report as under :-

1. Name(s) and Address(es) of the Mortgagor(s)/Title holder(s).

M/s. Benara Infrastructure & Development (P) Ltd; Regd. Office,
Shashtripurtam Crossing, Sikandara, Agra through its Director Sh. Ashish
Mangal S/o Sh. Rakesh Mangal r/o B-124, Kamla Nagar, Agra.

-----Title Holder.

2. Original Title Deeds are seen by me :-

- (i) Original Sale deed Dt. 17.1.2013 Regd. on 23.1.2013 at Book No. I Zild No. 8184 Page No. 265 to 330 Sl. No. 431 Executed by M/s. Radhika Buildtech (P) Ltd; Agra Fvg. Applicant Co..(Regarding 1591.77 Sq. Mts.)
- (ii) Original Sale deed Dt. 09.6.2004 Regd. on the same day at Book No. IV Zild No. 852 Page No. 49 to 72 Sl. No. 99 Executed by M/s. Anand Vihar Sehkari Avas Samiti Ltd; Agra Fvg. Applicant Co.
- (iii) Original Sale deed Dt. 28.4.2003 Regd. on 12.5.2003 at Book No. IV Khand No. 847 Page 105 to 148 Sl. No. 360 Executed by Sh. Munesh Bihari Kulshreshtha & others Fvg. Anand Vihar Sehkari Avas Samiti Ltd; Agra.
- (iv) Original Sale deed Dt. 19.5.2003 Regd. on the same day at Book No. I Zild No. 4746 Page 69/114 Sl. No. 2157 Executed by Mr. Munesh Behari Kulshreshtha fvg. Sh. Niranjan Paliwal. (regarding 11 Biswa 11 Biswansi).
- (v) Original Sale deed Dt. 12.12.2000 Regd. on 21.9.2001 at Book No. IV Zild No. 3481 Page No. 1 to 34 Sl. No. 4047 Executed by Sh. Shri Bhagwan Goyal & others Fvg. Apna Ghar Sehkari Avas Samiti Ltd; Agra..

Supra

- (vi) Original Sale deed Dt. 20.2.2006 Regd. on the same day at Book No. I Zild No. 5497 Page 333 to 376 Sl. No. 828 Executed by Sh. Nirajan Paliwal Fvg. Radhika Buildtech (P) Ltd;
- (vii) Original Sale deed Dt. 12.12.2000 Regd. on the same day at Book No. IV Zild No. 223 Page No. 263 to 276 Sl. No. 1133 Executed by Sh. Shri Bhagwan Goyal & others Fvg. Sh. Munesh Behari Kulshreshtha & Smt. Asha Kulshreshtha...
- (viii) Copy of Order Dt. 14.12.2009 passed by Chief Controller Revenue Authorities, Allahabad passed in Revision No. 34 of 2009-10 M/s. Benara Infrastructure Vs. UP State.
- (ix) Copy of Certificate of payment by the applicant Co. , issued by ADM (F & R) Agra on 18.12.2012.
- (x) .Copies of Khatauni – Khewat.
- (xi) Copy of Revised approved building Plan. (3 Sheets).
- (xii) Copy of Letter Dt. 16.9.2013 issued by the ADA, Agra
- (xiii) Copy of Letter Dt. 16.6.09 Issued by UP Avas Evam Vikas Parishad.
- (xiv) Copy of Letter Dt. 10.10.2008 issued by Govt. of U.P. to the Avas & Urban Planning Deptt.

3. Description of immovable property :-

Survey No./Nagar Nigam No.	Extent Area	Location	Boundaries
A Property Panchsheel Apartments situated at mauja Kakreitha Tehsil & Distt. Agra. Khasra Nos. 771,774 & 776 Minjumla Non-ZA Land Mohal Shakkhan Lal Khewat No. 4 Lohamandi Ward. Agra.	1.554 Hactres. approxi. As per Revised approved Plan area is 11,642.83 Sq. Mts.	A Property Panchsheel Apartments situated at mauja Kakreitha Tehsil & Distt. Agra. Khasra Nos. 771,774 & 776 Minjumla Non-ZA Land Mohal Shakkhan Lal Khewat No. 4 Lohamandi Ward. Agra.	East : Property of Saptrishi Apartments.. West : Property of Forest Department. North :- Fly Over Sikandara- Madia Katra. South : 40' wide Road.

4. Search in Sub-Registrar's Office

(i). Location of the Property:-

A Property Panchsheel Apartments situated at mauja Kakreitha Tehsil & Distt. Agra. Khasra Nos. 771,774 & 776 Minjumla Non-ZA Land Mohal Shakkhan Lal Khewat No. 4 Lohamandi Ward, Agra.. The sale deed of the property in question has been executed & registered in the office of S.R., Agra.

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(ii). Search and Investigation:-

In index No. 2 in S.R. office, Agra for the last 12 Yrs. available records. The complete 30 years search /Title report of the total project of the Co. , Dt. 29.3.2012 is also in your Branch records.

No encumbrance has been found as is also evident from the search Certificate issued by the S.R., Agra.

(iii). Chain of Title:-

That Sh. Prayag Prasad S/o Sh. Govind Prasad was the recorded Bhumidhar of the Land of Khasra Nos. 771 area 0.835 Hactres & Khasra No. 776 area 0.124 Hactres of Mohal Sakkan Lal mauja Kakreitha Mustaqil Tehsil & Distt. Agra Khewat No. 4 Non-Z.A.Land and after the death of said Sh. Prayag Prasad, the names of his legal heirs Sh. Shri Bhagwan Goyal, Nirmal Goyal, Basant Kumar & Roop Kumar have been recorded in the Revenue records much before 40 Yrs. As is evident from the Copy of Khatauni issued on 25.6.2006 enclosed herewith.

That Sh. Prayag Prasad S/o Sh. Govind Prasad was the recorded Bhumidhar of the Land of Khasra Nos. 774 area 0.536 Hactres of mauja Kakreitha Mustaqil Tehsil & Distt. Agra and after the death of said Sh. Prayag Prasad, the names of his legal heirs Sh. Shri Bhagwan Goyal, Nirmal Goyal, Basant Kumar & Roop Kumar have been recorded in the Revenue records w.e.f. 1369 Fasli i.e. from the year 1963 onwards As is evident from the Copy of Khatauni issued on 25.6.2006 enclosed herewith.

That the said Sh. Nirmal Kumar S/o Late Sh. Prayag Prasad has expired on 25.1.1985 as bachelor thus the share of the said Late Sh. Nirmal Kumar has been devolved to his abovesaid brothers Viz. Shri Bhagwan Goyal, Basant Kumar & Roop Kumar..

That U.P.Avas Evam Vikas Parishad proposed the land of Khasra Nos. 771, 774 & 776 total area admeasuring 3 Bigha 3 Biswa & 4 Biswani for acquisition but the said authority has not yet published required Gazette notification as per Section 6 of U.P. Land acquisition Act inspite of order Dt. 12.8.1993 passed by the Hon'ble Supreme Court of India. However proposal for acquisition was in existence thus the said Sh. Shri Bhagwan Goyal, Basant Kumar & Roop Kumar transferred/ sold their rights or interest in the said land to Sh. Munesh Behari Kulshreshtha & Smt. Asha Kulshreshtha vide Sale deed Dt. 12.12.2000 duly regd. on the same day in the S.R. Office, Agra. (document No. 7 of Col. No.2)..Thereafter on 28.4.2003, they sold their Rights and interest to Anand Vihar Sehkari Avas Samiti Ltd; Agra vide Sale deed Dt. 28.4.2003 duly regd. on 12.5.2003 in the S.R.Office, Agra. (document No. 3 of Col. No. 2). Thereafter on 9.6.2004, the said Samiti sold its rights and interest in the said land area admeasuring 1.4203 Hactres to M/s. Benara Infrastructure Development (P) Ltd; Agra vide Sale deed Dt. 9.6.2004 duly regd. on the same day in the S.R.Office, Agra. (document No. 2 of Col. No. 2). Thereafter the name of the applicant Co. has been mutated in the Revenue records as owner.

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That on 14.12.2009, the Chief Controller Revenue Authority, Allahabad (UP) in its order Dt. 14.12.2009 passed in Revision No. 34/2009-10, held that the Sale deed Dt. 9.6.2004 regarding transfer of Rights and interest is a absolute Sale deed of the property and gave the direction to the applicant Co. to pay the stamp duty accordingly with interest and penalty thereon and thereafter the applicant Co. paid the deficient amount to the Govt. as is evident from the copy of Certificate Dt.18.12.2012 issued by the ADM (F & R), Agra (documents Nos. 8 & 9 as mentioned in Col. No. 2).

That on 12.12.2000, the said Shri Bhagwan Goyal, Basant Kumar & Roop Kumar..sold their remaining land area i.e. 11 Biswa 11 Biswansi (left from the acquisition) of the said Khasra Nos. 774 & 771 sold to Apna Ghar Sehkari Avas Samiti Ltd; Agra vide Sale deed Dt. 12.12.2000 duly regd. on 21.9.2001 in the S.R.Office, Agra (document No.5 of Col. No..2).

That on 19.5.2003, Sh. Munesh Behari Kulshreshtha as Secretary of M/s. Apna Ghar Sehkari Avas Samiti Ltd; Agra sold its abovesaid property (i.e. 11 Biswa 11 Biswansi) to Sh. Niranjn Paliwal vide Sale deed Dt. 19.5.2003 duly regd. on the same day at Sl. No. 2157 (document No. 4 of Col. No. 2).

That on 20.2.2006, the said Sh. Niranjn Paliwal sold his land of the said Khasra Nos. 771 & 774 to Radhika Buildtech (P) Ltd; vide Sale deed Dt. 20.2.2006 duly regd. on the same day in the S.R.Office, Agra. (document No. 6 of Col. No. 2) Thereafter the said Radhika Buildtech (P) Ltd; sold its said land to M/s. Benara Infrastructure Development (P) Ltd; Agra vide Sale deed Dt. 17.1.2013 duly regd. on 28.1.2013 in the S.R.Office, Agra. (document No. 1 of Col. No. 2).

Thus now the applicant Co. has total area **1.554 Hacters** of the said Khasra Plots. 771, 774 & 776 of mauja Kakreitha Mustqil Tehsil & Distt. Agra. but on spot the applicant Co. aquired only 11,642.83 Sq. Mts. land of the said khasra Plots as is evident from the map submitted by the applicant Co. in the ADA, Agra.

Thereafter the said Co. has got sanctioned the building Plan from the ADA, Agra and constructed a multi-storied building thereon now known as "**Panchsheel Apartments**". That on perusal of Revised building Plan sanctioned on 11.2.2014 by the ADA, Agra, the total area of the property in question is 11,642.83 Sq. Mts. . Thus for mortgaging the property in question the available area of the property in question is 11,642.83 Sq. Mts.

Thus now the applicant is the absolute owner of the property in question.

5. Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in the State where the Property is located ?
N.A.
6. **Whether the Property is acquired under Land Acquisition Act 1894 and applicability of other State Legislations ?**
No.



Leasehold immovable Property (Where land/Building is leasehold, Please verify the terms of lease, whether any permission/NOC from the lessor /Competent Authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken while obtaining such property in mortgage).
N.A.

8. Investigation under Income Tax Act 1961.

(Any permission of the concerned Assessing Officer under any of the provisions of I.T. Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to Income Tax Deptt.).
N.A.

9. Investigation in regard to Agricultural Land;
N.A.

10. The details of the Certified Copies of the Revenue records obtained to confirm that no dues are outstanding by the mortgagor.
N.A.

11. Any other special enactment which is applicable to the property proposed to be mortgage and effects the title.
N.A.

12. If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated.

.Yes. Search in ROC is necessary .Thus Search Certificate is to be obtained.

13. Whether Provisions of Securitisation Act 2002 are applicable on the proposed Property?
Yes.

Certificate:-

I hereby certify that I have personally searched and verified the information furnished in this report. The statements and other information given in the report are correct and true. I certify that M/s. Benara Infrastructure & Development (P) Ltd; has a valid, clear, absolute and marketable title over the property shown above. and capable to mortgage its property in question with the Bank equitably by deposit of its original title deeds and if M/s. Benara Infrastructure & Development (P) Ltd; Agra through its directors or its authorized person personally present and deposit the following title deeds in original with intention to create equitable mortgage, it will satisfy the requirements of creation of Equitable Mortgage. The following person should be present personally to deposit the original title deeds with your Branch for creation of equitable mortgage:-
M/s. Benara Infrastructure & Development (P) Ltd; Agra through its directors or its authorized person.

