

Reetu Kumar Agarwal
Advocate

office: Kemri Road
Bilaspur Distt. Rampur

ANNEXURE C
LEGAL SCRUTINY REPORT

The Real Estate Regulatory Authority

Dt: 09.08.2017

Dear Sir,

With reference to your letter dated I submit my Legal Scrutiny

Report as here under :-

Name and address of the Mortgagor (s) : Pegasus township Ltd. Head Office 131 Civil Line Bareilly.

Details & Description of the document scrutinized

S.No	Date of Document	Nature of Document	Whether Original / Certified/ True Copy/Photo Stat	Description of Registration
1.	21.09.2010	Sale deed S.No. 5534	True Copy	Title deed viz. the sale deed executed on 21.09.2010, 18.09.2010, 18.10.2010, 13.06.2013 and registered in the office of the Sub Registrar at Bilaspur Distt. Rampur
2.	18.09.2010	Sale deed S.No. 5499		
3.	18.10.2010	Sale deed S.No. 5866		
4.	13.06.2013	Sale deed S.No. 3647		

3- Details/Description of the property/Property

As per the contents of the title deed viz. sale deed:

Khata No. Survey No. Presently Plot No. Khata Site No. No.	Location/Pargana Tehsil-Sub-District/ District/P.S.	Boundary/ies
Stock Company in Gata No 33,34,35,36,37,38,25,63	Revenue village Bharatpur Tehsil Bilaspur Distt. Rampur	East: N.H.87 West: Land of Company North: Boundary Wall Company South: Private Road Company

The above mentioned immovable property situated at **Bharatpur** Tehsil Bilaspur Distt. Rampur.

4. Brief history and how the owner has acquired/derived the Title in Land i.e. By Purchase

Sir,

The above named **Pegasus Township Ltd**, Head office 131 Civil Lines Bareilly has derived the title of the said immovable property, of a measuring 46372 sq. meters through purchase from the vender **Gurvinder Singh S/o Devender Singh** for a sale consideration of 1,40,00,000/- vide sale deed was registered in the office of Sub Registrat at bilaspur Distt. Rampur U.P. in **Bahi No.1 Khand 1260 Page 27/102 Serial No.5534** and Purchase from the vender **Manjeet Kaur** through attorney **Rupinder Kaur** for a sale consideration of 74,00,000/- vide sale deed was registered in the office sub registrar Bilaspur on 18.10.2010 bahi no 1 khand 1266 page 93/144 S.No. 5866 and vender **Inderpur co-operative society** for a sale consideration 92,00,000/- and sale deed registered in bahi no.1 khand 1259 page 21/82 S.No. 5499.

4.1 Whether Chain of the title of Owner is Complete, If so how?

Yes Sir,

That the Balance Stock 31153.10 Sq. mtr. Was recorded in the name of **Pegasus Township Ltd.** under class 1 K with transferable rights

That the Property in question is declared as Non Agriculture land U/s 143 UP Z.A.L.R. Act. by the order of SDM Bilaspur Distt. Rampur Order duly entered in present khatoni.

4. Search and Investigation 01.01.1990 to 09.08.2017

Property in question is free from all registered encumbrances.

I have been furnished with certain documents evidencing the title of said **Pegasus township Ltd.** abovenamed, in the above referred immovable property and the same have been perused by me at length.

Investigation and search in records of offices at Bilaspur District Rampur from 1.1.90 to 09.08.2017 has also been conducted.

The requisite search for last 27 proceeding years has been made in the office of Sub Registrar of Assurances at **Bilaspur**.

The Index Registers have been found maintained in the office. I have inspected the record thoroughly and found the said property unencumbered.

5.1 Name of persons who is/are the present **Pegasus township Ltd.** Owners of the property/ies.

5.2 Whether the Party has absolute, clear and Marketable Title over the property/ies proposed To be Mortgaged and can create to valid Mortgage In the property/ies. **Yes Sir**

5.3(a) What is the nature of Title of the owner i.e. tenancy right Full ownership, occupancy right, possessory right, minors right Or any other type of right? **Ownership right**

(b) Leasehold immovable property/ies **N/A**

(c) Leasehold immovable property/ies (whether the land /Buildings **N/A**

Names and address of the Lessor(s)

Whether any permission /N.O.C from the Lessor is required.

5.4 Whether there is any restriction prohibition under personal laws of the owner/mortgagor to hold the property/ies under the Title Deeds through which he has derived the Title. **No Sir**

5.5 Whether the latest Title Deeds and the chain of previous Title Deed/s in originals are available. **Yes Sir**

5.6 Whether the Building Tax/Land Revenue has been Paid, upto date. **Yes Sir**

5.7 Whether any dues recoverable as Land revenue are outstanding. **N/A**

5.8 In case the facility is sought for construction purpose Whether the Land has been converted under the Land revenue laws ? If not required to be converted, give reasons. **No Sir**

5.9 Whether the Land is affected by any Revenue and Tenancy legislations?if so,how and to what extent and the remedy , if any . **No Sir**

5.10 Whether the permission under the urban Land (Ceiling and Regulation) Act 1976 Is necessary or not ?

Not affected by ceiling

5.11 Is there any other special enactments like Land Acquisition Act and other State Legislations Provisions of which is any applicable to the property/ies and affecting the Title .

Not affected

5.12 Is/are the property/ies free from encumbrances. **Yes Sir**

5.13. Whether the proposed Mortgage by deposit of Title Deeds **Yes Sir**

Is possible ? If so, what is/are the documents to be deposited? **Equitable mortgage can be**

If deposit is not possible, can there be a simple mortgage or by a **created by way of deposit**

Registered mortgage or by any other mode of mortgage ? **of the original title deed viz.the sale deed in the custody of the Bank.**

5.14. Whether the property/ies is /are free hold or leasehold or self **Free hold property**
Occupied or tenanted? If tenanted whether the property/ies can be taken
As Mortgage and what precautions to be taken.

5.15 If owner is company,Partnership firm,Trust,Temple Wakf or other legal persons and how the Title is affected by its Memorandum and Articles of Association ,Partnership deed Trust deed or rules or bye-laws and what is are the precautions to be taken under rules or bye-laws and also how the right to create mortgage is affected by Hindu Religious and Endowment Laws and/or Wakf Deed or Wakf Act,as the case may be. **Bye laws**

5.16 . If property/ies to be mortgaged is/are flat/apartment is residential
Or commercial complex,how far independent.Title is ensured and how the enjoyment of
Common is/areas and facilities is/are ensured to the owner(Mortgagor) what is/are the
Document of title available for crating Mortgage? Documents records to be taken from
builder

/owners and their Bankers.

N/A

5.17 Flats owned/controlled by societies Special requirements to be taken

If society refuses to note bank lien/interest.

N/A

5.18 Please state the names of the persons who should join in the creation of Mortgage of the properties either by deposit of Title deed/s or by registered Mortgage .etc :

Equitable mortgage can be created by way of deposit of the original title deed
viz the sale deed in the custody of the Bank by **Pegasus township Ltd.**

5.19 Any Additional documents/precautions ,required to be taken **As stated above**

6. Investigation under Income Tax Acxt 1961

N/A

7. Search in respect of companies registered under the Companies Act 1956. **Yes**

(i) Search in respect of companies registered under the Companies Act 1956. **Yes**
(please search the Index and the register of charges/file or folder containing form 6 to 13) and provide information on charges subsisting on the property and undertaking of the company and

the brief particulars of the documents creating the charge. **N/A**

(ii) The date/s of creation, nature (Mortgage/Hypothecation etc. whether first/second or Panpassu charge) and the extent (i.e. the amount covered) of each charge. **N/A**

(iii) The specific property/ies on which any charge subsists. **N/A**

(iv) The particulars for each charges holder. **N/A**

(v) Modifications (if any) in each charge and the dates thereof. **N/A**

(vi) Satisfaction of charge, if any, recorded give details thereof. **N/A**

(vii) Whether any Receiver or Manager of Company has been appointed under section 137 of the Companies Act 1956 and **N/A**

(viii) Whether any debentures have been issued by the company and the nature and value of the charge securing them as well as the details the property/ies on which such charge has been created. Please obtain certified copies of the relevant documents, also please investigate whether any form 8/13 along with the relevant documents have been received in the ROC's office which is pending for registration. If so, full particulars thereof should be proved, further, please verify whether any application is pending with the ROC seeking his condonation of delay for delay for filing the charges. **N/A**

CERTIFICATE

I have scrutinized the Original Title deed viz the sale deed intended to be deposited relating to the schedule property to be offered as security by way of equitable mortgage and that the documents of the title referred to in the opinion are perfect evidence of right, Title and interest that if the said equitable mortgage is created in the manner required by law, it will satisfy the requirements of creation of equitable mortgage and I further certify that :-

1. There are no mortgages/charges whatsoever as could be seen from the encumbrance record for the period from 01.01.1990 to 09.08.2017 pertaining to the immovable property/ies.
2. The mortgage if created will be perfect and available to the bank for the liability of the intending mortgagor **Pegasus Township Ltd.** above named.

I certify that above named Vendee/intending mortgagor **Pegasus Township Ltd.** can create and equitable mortgage of the said property by way of deposit of the original title deed viz the sale deed in the custody of the Bank. And Balance Stock 31153.10sq. mtr.in hand company.

Place : Bilaspur

Dated : 09.08.2017

signature of the Advocate

Reetu Kumar Agarwal
Advocate

Enclosed:

1. ~~Original~~ ^{certified} title deed viz the sale deed dt. 18.09.2010, 18.10.2010, 21.09.2010, 13.06.2013 in favour of **Pegasus township Ltd.**
2. Certified copy of sale deed No. ~~5534~~, 5534, 5866, 5499 in favour of **Pegasus township Ltd.**
3. Certified Khatoni .
4. Search receipt Nos 6340 dt. 09-08-2017 (Bilaspur)