

# Subhash Kumar Nayak

Advocate

C.J.M. Court Compound  
Opp. Lock-up, Jhansi,

Mob-09450597034

Resi-Banker's Colony Opp. Rajghat  
Guest House Shivpuri Road Jhansi

Dated- 20-07-2017.

To  
The Real Estate Regulatory Authority  
Lucknow, U.P.


## Non Encumbrance Report / Search report of the property

(All columns/ items are to be completed/commented by the Panel Advocate)

1.	a.	Name of the Branch/Business Unit/ Office seeking opinion.	Real Estate Regulatory Authority Lucknow.
	b.	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	Document handed over personally.
	c.	Name of the Firm.	Mars Developers and Buildtech India Pvt. Ltd. (through director Shri Manish Agarwal S/o Late Shri Avadh Bihari Agarwal, R/o- 92, Gandigar Ka Tapra Jhansi Dist. Jhansi.
2.	a.	Name of the unit/concern/ company/ person offering the property(ies) as security.	Mars Developers and Buildtech India Pvt. Ltd..
	b.	Constitution of the unit/concern/person/ body/authority offering the property for creation of charge.	Private Limited Company.
3.	Complete or full description of the immovable property (ies) security including the following details.		
	a.	Survey No.	Arazi No.536A, 581 situated at Mauza- Village- Bura, Tehsil and Distt. Jhansi.
	b.	Door/House No(in case of house property)	Not Applicable.
	c.	Extent/area including plinth/built up area in case house property.	Total area of the Land is 1.551 hect. which is proposed to Equitable mortgage.
d.	Location like name of the place, village, city, registration, sub-district etc. Boundaries (as per sale deed).	Total area of the Land is 1.551 hect. which is the part of Arazi No. 536A, 581 situated at Mauza- Village- Bura, Tehsil and Distt. Jhansi and boundary is not mentioned in the sale deed.	
4.	a.	Particulars of the documents scrutinized- serially and chronologically.	1-Certified Copy of Khatoni dated 09-09-2013. 2-Certified Copy of the sale deed dated- 04 -10-2007. 3-Approved Lay out plan. 4-M.O.A. of Mars developers & Buildtech India Pvt. Ltd. 5-Copy of News paper regarding lost of the property. 6-Copy of Police information report.

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b.	Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified. Note: only originals or certified extracts from the registering/land/revenue/other authorities be examined.			
Sl.No.	Date/Particulars	Name/Nature of the Document	Original/Certified Copy/ Certified/ extract/Photocopy Etc.	In case of copies whether the original was scrutinized by the Advocate.
1-	09-09-2013	Khatoni	Certified Copy	Yes
2-	04-10-2007	Sale deed	Certified Copy	Yes
3-	08-07-2015	Lay out plan	Copy	Yes
5.	Whether certified copy of all title documents are obtained from the relevant Sub-Registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.)		During course of inspection verified the same from Sub-Registrar Office Jhansi record.	
b.	a.	Whether the records of registrar office or revenue authorities relevant to the Property in question are available for verification through any online portal or computer system?	No.	
	b.	If such on line/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regards.	No.	
	c.	Whether the genuineness of the stamp paper is possible to be got verified from any on line portal and if so whether such verification was made?	No.	
	a.	Property offered as security falls within the jurisdiction of which Sub-Registrar office?	Sub-Registrar Office I Jhansi	
	b.	Whether it is possible to have registration of documents in respect of the property in question, at more than one office of Sub-registrar / district registrar/ registrar-general. If so, please name all such offices?	No.	
	c.	Whether search has been made at all the offices named at (b) above?	Sub- Registrar Office I Jhansi.	
	d.	Whether the searches in the offices of registering authorities or any other records reveal registration of multiple title documents in respect of the property in question?	No multiple registrations were found.	
h.	Chain of title tracing the title from the oldest title deed to the latest title deed establishing title of the property in question from the predecessors in title /interest to the current title holder. And wherever Minor's interest or other clog on title is involved, search should be made for a further period, depending on the need for clearance of such clog on the Title. In case of property offered as security for loans of Rs.1.00 Crore and above, search of title/ encumbrance for a period of not less than 30 years is mandatory.		That on perusal of the certified copy of Khatoni of Mauza Bura Distt Jhansi for 1387-1392 fasli it is observed that Shri Baan Singh S/o Shri Saru was the Co-sankramani Bhumidhar of Arazi No 536ख, 581 of Mauza Bura since 1386 fasli i.e. year 1979. Thereafter Shri Baan Singh S/o Shri Saru sold a big part of land of area 1.551 hect.of Arazi No. 536ख, 581 situated at Mauza- Bura Tehsil and Distt. Jhansi to Mars Developers and Buildtech India Pvt. Ltd. through director Shri Manish Agarwal S/o Late Shri Avadh Bihari Agarwal, R/o- 92, Gandigar Ka Tapra Jhansi Distt.	

  
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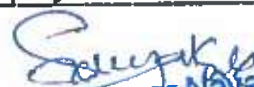
		<p>Jhansi on 04-10-2007 which was executed at NJS of Rs. 3,93,500/- in twenty five sheets and registered on same day at Bahi No.1, Zild- 3322, Page- 263-316, Sr. No. 4037 in the Sub-registrar Office Jhansi.</p> <p>Thereafter the name of Mars Developers and Buildtech India Pvt. Ltd. was mutated in revenue record.</p> <p>Thereafter a Lay out plan No. 090400113 in the name of Raadhika Orchid under ownership of Mars Developers and Buildtech India Pvt. Ltd. was approved by JDA Jhansi on 08-07-2015. Hence chain of the property for thirty years has been completed.</p>
9.	Nature of Title of the intended Mortgagor over the property (whether full ownership rights, Lease hold, Right, Occupancy/ Possessory Rights or Inam. Holder or Govt. Grantee/ Allottee etc.	Presently Mars Developers and Buildtech India Pvt. Ltd. has full ownership rights of the property.
10.	<b>If lease hold whether;</b>	
	a. Lease Deed is duly stamped and registered.	Not Applicable, The Property is not Lease hold.
	b. Lessee is permitted to mortgage the Leasehold right,	Not Applicable
	c. Duration of the Lease/Unexpired period of lease,	Not Applicable
	d. If, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	Not Applicable
	e. Whether the leasehold rights permits for the creation of any superstructure (if applicable)?	Not Applicable
	f. Right to get renewal of the leasehold rights and nature thereof.	Not Applicable
11.	<b>If Govt. grant/ allotment/ Lease-cum/ Sale Agreement, whether ;</b>	
	a. Grant/agreement etc. provides for alienable rights to the mortgagor with or without conditions	Not Applicable
	b. The mortgagor is competent to create charge on such property.	Not Applicable
	c. Whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	Not Applicable
12.	<b>If Occupancy right, whether :</b>	
	a. Such right heritable and transferable,	Not Applicable
	b. Mortgage can be created.	Not Applicable
13.	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible, the modalities/ procedure to be followed including court permission to obtained and the reasons for coming to such conclusion.	Not Applicable, There is no interest of Minor.
14.	<b>If the property has been transferred by way of Gift/ settlement deed, whether:</b>	
	a. The gift/ Settlement Deed is duly stamped and registered:	Not Applicable
	b. The Gift/ Settlement Deed has been attested by two witnesses:	Not Applicable
	c. The Gift/ Settlement Deed transfers the property to Donne:	Not Applicable
	d. Whether the Donne has accepted the gift by	Not Applicable

  
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	signing the Gift/ Settlement Deed or by a separated writing or by implication or by actions:		
e.	Whether there is any restriction on the Donor in executing the gift/ settlement deed in question:	Not Applicable	
f.	Whether the Donor is in possession of the gifted property:	Not Applicable	
g.	Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage:	Not Applicable	
h.	Any other aspect affecting their validity of the title passed through the gift/ settlement deed.	Not Applicable	
15.	a.	In case of partition/ family settlement deeds, whether the original deed is available for deposit. If not the modality/ procedure to be followed to create a valid and enforceable mortgage.	There is no partition/ family settlement deeds.
	b.	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	Not Applicable
	c.	Whether the partition made is valid in law and the mortgagor has acquired a mortgagable title thereon.	Not Applicable
	d.	In respect of partition by a decree of court, whether such decree has become final and all other conditions/ formalities are completed/ complied with.	No.
	e.	Whether any of the documents in question are executed in counterparts or in more than one set? if so additional precautions to taken for avoiding multiple mortgages?	Not Applicable
16.		Whether the title documents include any testamentary documents/ wills?	
	a.	In case of wills, whether the will is registered will or unregistered will?	There is no will.
	b.	Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	Not Applicable
	c.	Whether the property is mutated on the basis of will?	Not Applicable
	d.	Whether the original will is available?	Not Applicable
	e.	Whether the original death certificate of testator is available?	Not Applicable
	f.	What are the circumstances and/ or documents to establish the will in question is the last and final will of the testator? (Comments on the circumstances such as the availability of a declaration by all the beneficiaries about the genuineness/ validity of the will, all parties have acted upon the will, etc. which are relevant to rely on the will, availability of Mother/ Original title deeds are to be explained.)	Not Applicable
17.	a.	Whether the property is subject to any Wakf rights?	No.
	b.	Whether the property belongs to Church/ Temple or any religious/ other institutions having any restriction in creation of charges on such properties?	Not Applicable
	c.	Precautions/ permissions, if any in respect of the above cases for creation of mortgage?	Not Applicable

  
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18.	a.	Whether the property is a HUF/ joint family property, mortgage is created for family benefit/ legal necessity, whether the Major Coparceners have no objection/join in execution, minor's share if any, rights of female members etc.	No, The property stands in the name of Mars Developers and Buildtech India Pvt. Ltd.
	b.	Please also comment on any other aspect which may adversely affect the validity of security in such cases?	Not Applicable
19.	a.	Whether the property belongs to any trust or is subject to rights of any trust?	No, The property does not belong to any Trust.
	b.	Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	Not Applicable
	c.	If so additional precautions/ permissions to be obtained for creation of valid mortgage?	Not Applicable
	d.	Requirements, if any for creation of mortgage as per the central/state laws applicable to the trust in the matter.	Not Applicable
20.	a.	If the property is Agricultural land, whether the local laws permit mortgage of agricultural land whether there are any restrictions for creation/ enforcement of mortgage.	The Property is not agricultural Land because the Lay out plan No. 090400113 in the name of Raadhika Orchid under ownership of Mars Developers and Buildtech India Pvt. Ltd. was approved by JDA Jhansi on 08-07-2015.
	b.	In case of agricultural property other relevant records/ documents as per local laws, if any are to verified to ensure the validity of the title and right to enforce the mortgage?	Not Applicable
	c.	In the case of conversion of Agricultural land for commercial purpose or otherwise, whether requisite procedure followed/ Permission obtained.	Not Applicable.
21.		Whether the property is affected by any local laws or other regulation having a bearing on the creation security (viz. Agricultural Laws, weaker Sections, Minorities, Land Laws, SEZ regulations, Costal Zone Regulations, Environmental Clearance etc.)	Not Applicable
22.	a.	Whether the property is subject to any pending or proposed land acquisition proceedings?	No.
	b.	Whether any search/ enquiry is made with the Land Acquisition Office and the outcome of such search/ enquiry.	Any Land acquisition proceeding is not pending now for that House.
23.	a.	Whether the property is involved in or subject matter of any litigation which pending or concluded?	Not observed yet.
	b.	If so, Whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?	Not Applicable.
	c.	Whether the title documents have any court seal/ marking which points out any litigation/ attachment/ security to court in respect of the property in question? In such case please comment on such seal/ marking.	No, there is no mark/ court Seal of litigation/ attachment / security on the Copy of Title Deed.
24.	a.	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	This property is under ownership of the Pvt. Ltd Company.
	b.	Property belonging to partners, whether thrown on	No, This property does not belong to

  
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	hotchpots? Whether formalities for the same have been completed as per applicable laws?	Partner Ship Firm.	
c.	Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	Not applicable.	
25.	Whether the property belongs to a Limited Company, check the Borrowing powers, Borrowing powers, Board resolution, authorization to create mortgage/ execution of documents, Registration of any prior charges with the Company Registrar (ROC), /articles of Association/ provisions for common seal etc.	Yes, Memorandum of association of the Company shows that Company property can be mortgaged. B.O.D. resolution dated 06-09-2013 passed in favour of Shri Manish Agarwal authorized him to create a mortgage in favour of Bank/ Finance Company. A certificate is to be taken to the effect that there is no prior charge with the company registrar on above property.	
26.	In case of Societies, Association, the required authority/ power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	This property does not belong to Societies.	
27.	a.	Whether any POA is involved in the chain of title?	No. There is no Power of Attorney involved.
	b.	Whether the POA involved is one coupled with interest, i.e. a Development Agreement- Cum- Power of Attorney. If so, please clarify whether the same is a registered document hence it has created an interest in favour of the builder/ developer and as such is irrevocable as per law.	Not Applicable.
	c.	In case the title document is executed by POA holder, please clarify whether the POA involved is (i) one executed by the Builders viz. Companies/ Firms/ Individual or Proprietary Concerns in favour of their Partners/ Employees/ Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreements of Sale, Sale Deeds, etc. in favour of buyers of flats/ units (Builder's POA) or (ii) other type of POA (Common POA).	No.
	d.	In case of Builder's POA, Whether a certified copy of POA is available and the same has been verified/ compared with the original POA.	There is no Builder's POA.
	e.	In case of Common POA (i.e. POA other than Builder's POA), please clarify the following clauses in respect of POA.	
	(i)	Whether the original POA is verified and the title investigation is done on the basis of original POA?	There is no POA involved in the chain of title.
	(ii)	Whether the POA is registered one?	Not Applicable.
	(iii)	Whether the POA is special or general one?	Not Applicable.
	(iv)	Whether the POA contains a specific authority for execution of title document in question?	Not Applicable.
	f.	Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please clarify whether the same has been ascertained from the office of sub-registrar also?)	Not Applicable.
	g.	Please comments on the genuineness of POA?	Not Applicable.
	h.	The unequivocal opinion on the enforceability and validity of the POA.	Not Applicable.
28.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given	No, The property is not mortgaged on behalf of Power of Attorney holder.	

  
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	therein and whether the same is properly executed/ stamped/ authenticated in terms of the Law of the place, where it is executed.	
29.	If the property is a Flat/ Apartment or residential/ commercial complex, check and comment on the following:	
a.	Promoter's/ Land owner's title to the land/ building;	Presently Flat/ Apartment or residential / Commercial complex is under construction.
b.	Development Agreement/ Power of Attorney;	Not Applicable.
c.	Extent of authority of the Developer/ builder;	Not Applicable.
d.	Independent title verification of the Land and/ or building in question;	Not Applicable.
e.	Agreement for sale (duly registered);	Not Applicable.
f.	Payment of proper stamp duty;	Yes
g.	Requirement of registration of sale agreement, development agreement, POA, etc.;	Not Applicable.
h.	Approval of building plan, permission of appropriate/ local authority, etc.;	Yes
i.	Conveyance in favour of Society/ Condominium concerned;	Not Applicable.
j.	Occupancy Certificate/ allotment letter/ letter of possession;	Not Applicable.
k.	Membership details in the Society etc.;	Not Applicable.
l.	Share Certificates;	Not Applicable.
m.	No Objection Letter from the Society;	Not Applicable.
n.	All legal requirements under the local/ Municipal laws, regarding ownership of flats/ Apartments/ Building regulations, Development Control Regulations, Co-operative Societies Laws etc.;	Yes
o.	Requirements, for noting the Bank Charges on the records of the Housing society, if any;	Not Applicable, The Property does not belong to Housing Society.
p.	If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any.	Presently Flat/ Apartment or residential / Commercial complex is under construction and Lay out plan No. 090400113 in the name of Raadhika Orchid under ownership of Mars Developers and Buildtech India Pvt. Ltd. was approved by JDA Jhansi on 08-07-2015
q.	Whether the numbering pattern of the units/ flats tally in all documents such as approved plan, agreement plan, etc.	Yes.
30.	Encumbrances, Attachments, and/or claims whether of Government, Central or other Local Authorities or Third Party claims, Liens etc. and details thereof.	Since it is a collective project for the development of different Arazis in the name of Raadhika Orchid under ownership of Mars Developers and Buildtech India Pvt. Ltd. As per available record of Index II in the Sub- Registrar Office Jhansi up to 30-06-2017 it is observed that Plot No. B-1, A-11, PLB-10, B-16, B-14, C-2, C-5, G-1 i.e. therefore 1023.15 Sqmtr area of land has been sold from the total land of Mars Developers under this project and the rest area is in the possession of the Company. Which is Marketable, Mortgagable and having a good title of the Company.

  
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11.	The period covered under the Encumbrance certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	Thirty Preceding Years i.e. 01-01-1987 to 30-06-2017 for which inspection receipt No. 8589, 2694 dated- 18-07-2017 and 20-07-2017 issued by Sub-Registrar Office Jhansi are enclosed herewith.
12.	Details regarding property tax or land revenue or other statutory dues paid/ payable as on date and if not paid, what remedy?	Not applicable.
13.	a. Urban land ceiling clearance, whether required and of so, details thereon.	N.R.
	b. Whether No objection Certificate under the Income Tax Act is required/ obtained.	N.R.
14.	Details of RTC extracts/mutation extracts/Khasra extracts pertaining to the property in question.	N.R.,
15.	Whether the name of mortgagor is reflected as owner in revenue/ Municipal/ Village record?	Yes. The name of Mars Developers and buildtech India Pvt. Ltd. has been entered in revenue record.
16.	a. Whether the property offered as security is clearly demarcated?(As per sale deed.)	The boundary is not mentioned in the sale deed.
	b. Whether the demarcation/ partition of the property is legally valid?	No.
	c. Whether the property has clear access as per documents?	No.
17.	Whether the property can be identified from the following documents, and discrepancy/ doubtful circumstances, if any revealed on such scrutiny?	
	a. Document in relation to electricity connection;	Not Applicable
	b. Document in relation to water connection;	Not Applicable
	c. Document in relation to Sales Tax registration, if any applicable;	Not Applicable
d. Other utility bills, if any.	Not Applicable	
18.	In respect of the boundaries of the property, whether there is a difference/ discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/ comment on the same.	A collective lay out plan has been approved by JDA Jhansi and Boundaries are not mentioned in the sale deeds.
19.	If the valuation report and / or approved/ Sanctioned plans are made available; please comment on the same including the comments on the description and boundaries of the property on the said documents and that in the title deeds. (If the valuation report and/or approved plan are not available at the time of preparation of TIR, please provide these comments subsequently, on making the same available to the advocate.)	The valuation report is not available.
20.	Any bar/ restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	No.
21.	Whether the Bank will be able to enforce SARFESI Act, if required against the property offered as security?	Yes.
22.	In case of absence of original title deeds, details of legal and other requirements.	The Certified Copy of the Title Deed of the Mars Developers and Buildtech India Pvt. Ltd. through director Shri Manish Agarwal S/o Late Shri Avadh Bihari Agarwal, R/o- 92, Gandigar Ka

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		<b>Tapra Jhansi Distt. Jhansi is in the possession of the Company.</b>
43.	Whether the governing law/ constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.	The property stands in the name of Individual.
44.	Additional aspects relevant for investigation of title as per local laws.	It is brought to my notice that the original sale deed of this property has been lost any where and notification in this regard has also been published in the daily news paper and concerned police station has also been informed accordingly.
45.	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	No.
46.	The specific persons who are required to create mortgage/ to deposit documents.	Mars Developers and Buildtech India Pvt. Ltd. through director Shri Manish Agarwal S/o Late Shri Avadh Bihari Agarwal, R/o- 92, Gandigar Ka Tapra Jhansi Distt. Jhansi.

Date- 20-07-2017

Place-Jhansi

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उप निबंधक प्रथम डॉली कम सं० 8684

लेख या प्रार्थना पत्र प्रस्तुत करने का दिनांक 20-Jul-2017

प्रस्तुतकर्ता या प्राथी का नाम सुभाष नायक एड

लेख का प्रकार तलाश/मुआयना 1987 वर्ष से 1997 वर्ष तक

प्रतिफल को धरनाभि

भाग 2 की प्रतिलिपि पर फिर से लगाया जाने वाला

1. रजिस्ट्रिकरण शुल्क 100
2. प्रतिलिपिकरण शुल्क
3. निरीक्षण या तलाश शुल्क 100
4. मुहानामा के अधिप्राप्ती करण के लिए शुल्क
5. कमीशन शुल्क
6. विविधि / स्टाफ 0.00
7. यात्रिक भत्ता  
1 से 6 तक का योग

शुल्क वसूल करने का दिनांक 20-Jul-2017

दिनांक जब लेख प्रतिलिपि या तलाश प्रमाण पत्र

वापस करने के लिए दिया गया 20-Jul-2017

रजिस्ट्रिकरण अधिकारन के हस्ताक्षर

  
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