

ONKAR SINGH
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High Court Lucknow

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To,
Technical Adviser,
U.P. Real Estate,
Regulatory Authority,
Lucknow.

Dated:26-10-2024

Subject :- Non encumbrance report and legal opinion of permission of creating an equitable mortgage upon the bearing entire Portion of 4625 Sq. mtr (including GS Land measuring 195 Sq. mtr.) a part of Khasra No.130 and 164, FSI in group housing no. 18, Shalimar Oneworld, Baghamau, Lucknow Uttar Pradesh who is referred to as the proposed mortgager.

Dear Sir,

As desired by you, the records present in the officer of sub- Registrar Second, Lucknow have been verified for investigation of the title in respect of property specified herein. On the basis of the documents provided to me, my report is given as under –

1- Description and area of the property.

Specifice Numbers & Address of Propety:

The Property proposed to be mortgage is the following :- 4625 Sq. mtr (including GS Land measuring 195 Sq. mtr.) a part of Khasra No.130 and 164, FSI in group housing no. 18, Shalimar Oneworld, Baghamau, Lucknow Uttar Pradesh Is a residential property, bounded as under –

East	:	Remaning part of GH-18 Group Housing in Shalimar
West	:	Others Plot
North	:	Others Plot
South	:	Entrance (20 mtr. Wide road)

2- Nature of property (whether agricultural, Non agricultural, Commercial, Residential or Industrial, If Non agricultural, the reference and date of conversion order from the competent authority should also be mentioned).

Ans . The said property is Residential .


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- 3- The Owner is Partner/ Director/ Trusty who is Developing the Property on behalf of Partnership/Company/ Trust, Whether he/She as the Authority. Copy of the resolution/ memorandum an Article of Association / Partnership deed etc . whether examined and verified :

Ans. As per the documents-

M/s. ANS Developers Pvt. Ltd. (Previously known as Shalimar Lakecity Pvt. Ltd.), a company incooperated under the provision of Companies Act. 1956, having its Registered Office at A2/3, FF, Safdarjang Enclave, South Delhi-110029 and its Corporate Office at 11th Floor, Shalimar Titanium Vibhuti Khand, Gomti Nagar Lucknow, through its authorized signatory Syed Anwar Mahmood Rizvi S/o Syed Mahmood Ali Rizvi authorized vide Board Resolution dated 16-12-2021, who are referred to as the present owner.

Abhyudaya Housing and Construction Pvt. Ltd., a company incooperated under the provision of Companies Act. 1956, having its Registered Office at 1st Floor, Gokhle marg Luckow through its Director smt. Suman Agarwal W/o Late Sri Rajesh Agarwal authorized Board Resolution dated 23-01-2024, is referred to as the proposed mortgager.

- 4- **Whether minor lunatic or un-discharged insolvent is involved. Confirm that the Mortgage has sufficient capacity to contract. Precautionary steps to be taken.**

Ans. No any Minor lunatic or un-discharged insolvent is involved .

- 5- **Whether the property is freehold or Leasehold. If Leasehold then period of lease and if Freehold whether Urban Land Ceiling .Act applies and permissions to be obtained.**

Ans- Free hold property. Urban Land Ceiling Act has been Repealed in the State of U.P., hence not applicable.

- 6- **Source of Property i.e., Self acquired or Ancestral . If Ancestral then mode of succession and whether original will/probate is available .**

Ans- Self Acquired .

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7- Whether the Mortgager is co-owner and /or any partition of the property is made between the member of the family through partition Deed. If yes, whether original registered Partition. Deed is available it is only a family settlement.

Ans- Not Applicable.

8- Whether the property is mutated in Municipal/ Revenue Records and Owners Name is reflecting and if not, the reason thereof.

Ans- Yes, after the purchase of the said property, the mortgagor will be in exclusive possession of the property.

9- Whether any restriction for creation of Mortgage is Imposed under Central/State/ Local Laws. If yes, the specify whose consent or permission would be required for creation of mortgage.

Ans- No.

10-Whether all the Original Title Deeds Including antecedent Title deed and relevant documents are available. Please give detailed list.

Ans- Following Documents were Persued :


1. Certified Copy of Sell Deed.
2. Search inspection of Period 12 years.
3. Copy of Approved Map.

11-Whether the Advocate has personally visited the records.

Ans- Yes, Sub Registrar, Second, Lucknow.

12-Whether the search is being made for the period of 30years. If no, reason thereof.

Ans- I have perused the relevant records of the Sub Registrar, Second, Lucknow for the period of 12 year whose Application No.2202422804832 & Certificate No. 22024228004575 which is from 22-10-2012 to 22-10-2024 in respect of the aforesaid property.


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13-Whether there is any doubt/ Suspicion about the genuineness of the Original Documents. If yes, then specify.

Ans:- I have perused photocopy of title deeds and compared the same with Certified Copy of title deeds and evaluated the same with certified title deeds and established that both are analogous and registered before the Registrar of assurance.

14-Final Certificate/ Opinion.

Ans- The present title holder smt. Suman Agarwal W/o Late Sri Rajesh Agarwal are valid and Marketable title over captioned property in Company Abhyudaya Housing and Construction Pvt. Ltd., a company incorporated under the provision of Companies Act. 1956, having its Registered Office at 1st Floor, Gokhle marg Lucknow have full right to develop captioned property. Property in question is free from encumbrances on the basis of inspection of legible records and in view of NEC. Issued by Sub-Registrar Second, Lucknow and the project develop by Anglo Developers Pvt. Ltd. can be accepted for approval.

15-Whether any additional formalities to be completed, if yes, state specifically in case of flat(s)/ property (ies) if yes, state specifically in case of letter, possession letter, share certificate, affidavit, power of attorney etc. is required :


Ans:- The property in question is free from all sorts of charges or litigation whatsoever and the property in the question which is proposed to be developed by them is not subject matter to any litigation, attachment or execution before any court of law.

16-Comments on Enforceability of property under SARFAESI Act, 2002 and Rera Act, 2016.

Ans:- That the property in question has been declared as non-agricultural under section 143 of U.P.Z.A. and L.R. Act, hence provisions of SARFAESI Act, 2002 and RERA Act are applicable.

Note:- The NEC Report has been signed and submitted by me, having experience of more than 10 years in lands & RERA Matters.

Lucknow
Dated :26-10-2024


(Onkar Singh)
Advocate

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स्टांप एवं रजिस्ट्रेशन विभाग
उत्तर प्रदेश



निबन्धन कार्यालय: सदर द्वितीय लखनऊ

भार मुक्त प्रमाण-पत्र/बारह साला की पावती

आवेदन संख्या	2202422804832
आवेदक का नाम	सुमन अग्रवाल
आवेदक का पता	प्रथम तल १ ६ गोखले मार्ग लखनऊ
आवेदन तिथि	22-10-2024
भुगतान तिथि	22-10-2024
चालान संख्या	NIB240694066
मोबाइल	8299858331
धनराशि रु०	100 /-

कार्यालय उपनिबंधक सदर द्वितीय लखनऊ जनपद लखनऊ

आवेदन संख्या : 2202422804832

प्रमाण संख्या 22024228004575

भार मुक्त प्रमाण-पत्र
(रजि० मैनुअल के नियम 328)

श्री- सुमन अग्रवाल पुत्र- पत्नी स्वर्गीय राजेश अग्रवाल तहसील लखनऊ जिला लखनऊ ने निम्नलिखित सम्पत्ति से सम्बन्धित प्रपत्रों द्वारा प्रस्तुत भार मुद्रित प्रमाण पत्र हेतु प्रार्थना पत्र प्रस्तुत किया है।

सम्पत्ति का ग्राम/मोहल्ला - बाघा मऊ, वार्ड/परगना- लखनऊ, आवासीय- सुमन अग्रवाल पत्नी स्वर्गीय राजेश अग्रवाल, खसरा विवरण : संख्या 130 व 164, खसरा सं० 130 व 164

मै एतद्वारा प्रमाणित करता हू कि इंडेक्स सं 02 तथा उससे सम्बन्धित सूची प्रपत्रों की तलाश दिनांक 22/10/2012 से दिनांक 22/10/2024 तक उक्त सम्पत्ति के सम्बन्ध में की गयी जिसमें निम्नलिखित भार पाये गये

कोई भार नहीं पाया गया

दिनांक : 22-10-2024

- नोट - 1. इस प्रमाण-पत्र के समस्त विवरण आवेदक द्वारा दिए गए संपत्ति के ब्यौरे के आधार पर डूँडे गए हैं। यदि रजिस्ट्रीकृत लेखपत्र में संपत्ति को आवेदक द्वारा आवेदन में दिये गए वर्णन से किसी दूसरे ढंग से वर्णित किया गया हो तो ऐसे लेखपत्रों से प्राप्त सूचना को प्रमाण पत्र में दर्ज नहीं किया जायेगा।
2. वाञ्छित तलाश कार्यालय द्वारा यथासंभव सावधानी के साथ किया गया है, और विभाग प्रमाणपत्र में शामिल सूचना के लिए उत्तरदायी नहीं होगा।
3. इस प्रमाण-पत्र में उन लेखपत्रों से सम्बंधित सूचना शामिल नहीं है जो प्रस्तुत हो चुके हैं, परन्तु जिनका आज की तारीख तक रजिस्ट्रीकरण नहीं हुआ है।
4. यह प्रमाण-पत्र किसी संपत्ति के स्वत्व का प्रमाण नहीं है।

तलाशकर्ता एवं प्रमाण पत्र बनाने वाले निबन्धन लिपिक : राजेश कुमार यादव।
मिलान करने वाले निबन्धन लिपिक : नमिता श्रीवास्तव।

Prabhash Singh

Digitally signed by Prabhash
Singh
Date: 2024.10.22 18:37:26 +05:30

उपनिबन्धक सदर द्वितीय
लखनऊ

प्रिंट करें