

Amit Kumar Yadav

ADVOCATE

Chamber no.- A-3 Adhivakta Bhavan 1st
court Compound Moradabad,
Civil court Campus Moradabad

Resi /Off.:-

House no. B-8 Mansarover Colony

Delli Road Moradabad-244001

Mobile No. 8077774297, 9719058901

email- ad.amityadav78@gmail.com

Date- 29/10/2021

To,

Technical Adviser
Uttar Pradesh Real Estate
Regulatory Authority
Lucknow.

Dear sir,

Subject: - Title Opinion Report Certifying encumbrances of the Residential project "Midtown Home" being raised over Khasra no. 3344, 3344/1 and 3346 situated at Amroha Bahar Chungi, Amroha.

I refer to your letter no. 2510218/U.P.-Rera/Pari. Reg./2021-22 dated 25/10/2021 requesting to furnish encumbrances and certify and submit the title cum opinion Report about the clear and marketable title to the above property to M/s Om Developers through its Partners Dharam Khurana, Savitri Khurana and Dheraj Khurana. (Owner/Promoter):

1. Description and Area of the Property.

Specific number(s) and address of Property:

Khasra no. 3344, 3344/1 and 3346 situated at Amroha Bahar Chungi, Amroha, Tehsil- Amroha, District- Amroha measuring 6420.20 sq meters.

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 be mentioned.

The nature of land is non-agricultural in view of order dated 22/03/2014 passed by S.D.M, Amroha in Case No. 28,29/2014 u/s 143 of U.P.Z.A. & L.R. Act.

3. The owner is Partner/Director/Trustee who is developing the property on behalf of Partnership/Company/Trust, whether he/she has the authority. Copy of the Resolution/Memorandum & Articles of Association/Partnership Deed etc. whether examined and verified:

This is for project approval only. As per partnership deed the partners of Om Developers Dharam Khurana, Savitri Khurana, Dheeraj Khurana, have authority to develop the property/project.



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4. **Whether any minor, lunatic or undischarged insolvent is involved. Confirm that the Mortgagor has sufficient capacity to contract. Precautionary steps be taken.**

No any minor, lunatic or undischarged insolvent is involved.

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

Freehold property. The Urban Land Ceiling Act has been repealed in the State of U.P., hence not applicable.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.**

Self-Acquired.

7. **Whether the Owner is Co-owner/Joint Owner and/or any partition of the property is made between the members of the family through Partition deed. If yes, whether original Registered Partition Deed is available or it is only a family settlement.**

N.A.

8. **Whether the property is mutated in municipal/revenue records and Owner's name is reflecting and if not, the reason thereof.**

Yes, the name of present titleholder is mutated in revenue records.

9. **Whether any restriction is imposed under the Central/State/Local Laws whose consent or permission would be required for development of the Project.**

No.

10. **Whether all the original Title Deeds including antecedent Title Deeds and other relevant documents are available. Please give detailed list.**

Following Documents were persued:-

- i. Certified Copies of sale deeds.
- ii. Khatauni extracts
- iii. Copy of Approved Maps
- iv. Copy of Partnership deed
- v. Copy of Layout Plan

11. **Whether the Advocate has personally visited the Sub Registrar/Revenue/Municipal office and examined the records.**

Yes.

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

Search Inspection for the period of 12 years i.e. from 01.01.2010 to 27/10/2021 was made in the office of Sub Registrar, Amroha. The inspection was made for



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legible/accessible records and the Sub Registrar, Amroha has issued N.E.C. Application No. 2202118800783, Certificate No. 22021188000636 dated 28/10/2021 & Application No. 2202118800782, Certificate No. 22021188000635. It is Annexure no.1 of this Hence the opinion is given on the basis of inspection of available/untorn records only and in view of N.E.C. issued by Sub Registrar, Amroha.

13. Whether there is any doubt/suspicion about the genuineness of the original documents. If yes, then specify.

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 establish that both are analogous and registered before the registrar of Assurance.

14. Final certificate/opinion:

The present title holder Dharam Khurana, Savitri Khurana & Dheeraj Khurana are valid and marketable title over captioned property and the firm Om developers have full right to develop captioned property. property in question is not free from encumbrances on the basis of inspection of legible records and in view of NEC issued by S.R. Amroha and the Project 'Mid – Town Home' Develop by Om Developers 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:

The Property in question is free from all sorts of charges or litigation whatsoever and the property in 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:

That the property in question had been declared as non-agricultural u/s 143 of U.P.Z.A. & L.R. Act, hence provisions of SARFAESI Act, 2002 and RERA Act are applicable.

Date:-29-10-2021

Amit Kumar Yadav

Advocate


AMIT K. YADAV (Advocate,
Ch.No.:A-3, New Advocate Building
Court Compound, Moradabad
Reg. No. 12124/03, C.O.P. No.001368
Mob.-8077774297, 9457038650
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कार्यालय उपनिबंधक सदर अमरोहा जनपद अमरोहा

आवेदन संख्या :2202118800782

प्रमाण संख्या :22021188000635

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

श्री- धर्मचन्दखुराना आदि पुत्र- किशनचन्द खुराना तहसील अमरोहा जिला अमरोहा ने निम्नलिखित सम्पत्ति से सम्बन्धित प्रपत्र/द्वारा प्रस्तुत भार मुद्रित प्रमाण पत्र हेतु प्राथना पत्र प्रस्तुत किया है।

सम्पत्ति ग्राम/मोहल्ला - अमरोहा खास बा0चुंगी, वार्ड/परगना- अमरोहा, कृषि- धर्मचन्दखुराना पुत्र किशनचन्द खुराना व सावित्री का खुराना पत्नी धर्मचन्द खुराना नि मोह कोट अमरोहा, खसरा न 3248मि/०.032है० 3346मि/०.733है० 3344/1मि/०.069है०, विवरण : 3344मि/०.482है०

मैं एतद्वारा प्रमाणित करता हू कि इंडेक्स सं 02 तथा उससे सम्बन्धित सूची प्रपत्र की तलाश दिनांक 01/01/2010 से दिनांक 27/10/2021 तक उक्त सम्पत्ति के सम्बन्ध में की गयी जिसमें निम्नलिखित भार पाये गये

क्रम सं०	सम्पत्ति का विवरण	लेखपत्र के पंजीकरण की तिथि	लेखपत्र का प्रकार/लेखपत्र का मूल्यांकन	पक्षकारों के नाम	लेखपत्र का क्रमांक/वर्ष
1	उक्त	07/01/2020	बन्धक बिना कब्जा/50000000	डिक्रेटा-धर्मचन्द खुराना/क्रेटा-इन्टरनेशनल बैंकिंग ग्रुप दिल्ली रोड मुरादाबाद	496/2020

दिनांक 29-10-2021

नोट - 1. इस प्रमाण-पत्र के समस्त विवरण आवेदक द्वारा दिए गए सम्पत्ति के स्वामी के आधार पर दूँडे गए हैं। यदि रजिस्ट्रीकृत लेखपत्र में सम्पत्ति को आवेदक द्वारा

आवेदन में दिये गए वर्णन से किसी दूसरे डम से वर्णित किया गया हो तो ऐसे लेखपत्रों से प्राप्त सूचना को प्रमाण पत्र में दर्ज नहीं किया जायेगा।

2. वांछित 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 सम्बन्धित सूचना शामिल नहीं है जो प्रस्तुत हो चुके हैं, परन्तु जिनका आज की तारीख तक रजिस्ट्रीकरण नहीं हुआ है।

4. यह प्रमाण-पत्र किसी सम्पत्ति के स्वत्व का प्रमाण नहीं है।

तलाशकर्ता एवं प्रमाण पत्र बनाने वाले निबन्धन लिपिक: **अनिल वर्मा।**

मिलान करने वाले निबन्धन लिपिक: **अनिल वर्मा।**

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उपनिबंधक सदर
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कार्यालय उपनिबंधक सदर अमरोहा जनपद अमरोहा

आवेदन संख्या :2202118800783

प्रमाण संख्या :22021188000636

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

श्री- धीरज खुराना पुत्र- धर्मचन्द खुराना तहसील अमरोहा जिला अमरोहा ने निम्नलिखित सम्पत्ति से सम्बन्धित प्रपत्र/द्वारा प्रस्तुत भार मुद्रित प्रमाण पत्र हेतु प्राथना पत्र प्रस्तुत किया है।

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मैं एतद्वारा प्रमाणित करता हू कि इंडेक्स सं 02 तथा उससे सम्बन्धित सूची प्रपत्र की तलाश दिनांक 01/01/2010 से दिनांक 27/10/2021 तक उक्त सम्पत्ति के सम्बन्ध में की गयी जिसमें निम्नलिखित भार पाये गये

कोई भार नहीं पाया गया

दिनांक 29-10-2021

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आवेदन में दिये गए वर्णन से किसी दूसरे डम से वर्णित किया गया हो तो ऐसे लेखपत्रों से प्राप्त सूचना को प्रमाण पत्र में दर्ज नहीं किया जायेगा।

2. वांछित 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 सम्बन्धित सूचना शामिल नहीं है जो प्रस्तुत हो चुके हैं, परन्तु जिनका आज की तारीख तक रजिस्ट्रीकरण नहीं हुआ है।

4. यह प्रमाण-पत्र किसी सम्पत्ति के स्वत्व का प्रमाण नहीं है।

तलाशकर्ता एवं प्रमाण पत्र बनाने वाले निबन्धन लिपिक: **अनिल वर्मा।**

मिलान करने वाले निबन्धन लिपिक: **अनिल वर्मा।**

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Date: 2021.10.28
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17.12.2019

M/s Om Developers
Joya Road Amroha-244221

Reg: Your request for Fresh Sanction of ODIP Limit of Rs 500.00 Lakhs

We are pleased to inform that, based on your request and after seeking administrative clearance from ZOCAC on 30.11.2019, COCAC in its meeting held on 17.12.2019 has approved as under:-

Limits	Amount in lacs(Rs)
ODIP on monthly reducing DP basis	500.00
Total/ Ceiling	500.00

Subject to the terms and condition as per Annexure I and additional term and conditions as below.

Also Committee has permitted for registered mortgage of title deed mentioned at S no 7 in annexure II due to missing original title deed.

Additional Terms and conditions :-

- Before disbursement, the Borrower (s) to ensure that irregularity reflecting in CIBIL/Equifax/Highmark of M/s Om developers, Sh Dharam chand Khurana, Sh Dheeraj Khurana and Smt Savitri Khurana, if any, be rectified and account be running regular and should be in standard category.
 - Before release of credit facilities, the Borrower (s) to co-operate to get 2nd valuation report from bank's approved valuer and in case of lower value of the IP, party to provide additional IP of the difference amount.
 - Before disbursement, the Borrower (s) to co-operate to get latest NEC report of all the IPs and ensure that adverse feature, if any to be attended.
 - Before disbursement the Borrower (s) to co-operate to issue a public notice with respect to the missing title deed mentioned at S no 7 in point no 14 (security column) be invariably released in 2 newspapers (1 Hindi and 1 English) and FIR be lodged for loss of original title deed.
 - The Borrower(s) to disclose specific purpose of loan and also to give undertaking that the loan shall not be used for speculative purposes
- Lease rentals from the security and income of the partners shall be charged to the bank for the ODIP loan. Also, Lease rentals received from M/s Airplaza Retail



holdings pvt ltd be routed through our ODIP account and our interest/installment should be serviced first.

- All the title deeds of the IP to be mortgaged shall be registered in CERSAI and entered in CBS before disbursement. As the Title deed mentioned at Sr No 7 is not entered under CERSAI, the title deed/IP shall be registered in CERSAI before disbursement.
- The Borrower (s) to ensure that the already constructed second floor (part of self-occupied property), will not be let out without prior permission of the bank. A stamped undertaking to this effect be provided.

✓ The Borrower (s) to ensure to inform the Bank when the construction on remaining land which is for residential project will be started and before obtention of NOC our entire dues will be adjusted. A stamped undertaking to this effect be provided.

- The existing Term loan will be adjusted out of fresh ODIP limit.
- Minimum of six advance cheques of each guarantor, duly signed, be submitted.
- Minimum two CIR report of the borrower, partners/ guarantors and all allied concerns be extracted and adverse features if any to be attended.
- The Borrower (s) to provide detailed plans of the building (duly approved by the competent authority) taken as security, duly confirming that it is constructed as per admissible laws and rules and that there is no likelihood of its being demolished at a later date on the grounds that the construction was unauthorized/illegal
- The Borrower (s) shall ensure that the property against which loan is being sanctioned should not form part of primary or collateral security in any other advance of our Bank or any other Bank.
- With regard to the security, legal opinion, certifying that the title to property vests with the borrower/guarantors and the same is clear and marketable, be ensured from bank's approved counsel. Further, search be made in CERSAI and adverse feature if any to be attended.
- The Borrower (s) to ensure that there is no clause in lease deed executed for the IP, which is detrimental to the bank's interest.
- The partnership firm falls under the category of newly set up business venture under scheme RBD(A) cir 61/2019.
- The Borrower (s) to ensure compliance of all other terms & conditions of consolidated circular no. RBD(A) 61/2019 dated 01.11.2019 and other circulars issued thereafter while sanctioning the ODIP.

Detailed Terms and Conditions are as per Annexure- I.



ANNEXURE I

TERMS & CONDITIONS OF SANCTION

OD (IP)-M/s OM Developers BO:IBB MORADABAD

Nature	OD (IP) on monthly reducing DP basis.		
Extent	Rs 500.00Lakhs(Rupees Five Crores Only)		
Purpose	Business Needs. ✓		
Margin	25% on value of IP Bifurcated value of Self Occupied property and Party rented property done by Bank's approved advocated M/s Goel Consultants & Engineers vide report dated 25.03.2019:		
	Particulars	Area	MV (Amt in Cr)
	Self-Occupied property	39909.63 Sq Ft or 3707.73 Sqr Mtr	9.21
	Partly rented property	23279.48 Sq Ft or 2162.73 Sqr Mtr	3.58
	Total	63189.106 Sq Ft or 5870.46 Sq Mtr	12.79
	*Value of Self-Occupied portion is Rs 7.37 Crores & BM has accepted the value of Rs 7.00 Crores.		
			(Rs in Lakhs)
	Particulars	Amount	
	Realizable value of IP accepted by BM	700.00	
	25 % of above	175.00	
	Eligible Bank Finance	525.00	
Interest	RLLR (7.80%) + 2.70% = 10.50% p.a. chargeable at monthly rests. The ROI is floating and shall be subject to change in Repo Rate as per guidelines issued by RBI/ GOI/ Bank from time to time. The above ROI (RLLR +2.70%) is as applicable to borrowers having risk rating of B1 / > 52 ≤ 58 as per RBD Advances Cir No 61/2019 dtd 01.11.2019. Rate of interest is linked with credit risk rating/score obtained by the prospective borrowers. In the present proposal, credit risk/ score obtained by the borrower is B1 with score of 53.69% marks		
	REPO RATE		5.15
	MARKUP		2.65



RLLR

7.80

As on 23/10/2019

The rate of interest will depend every year on the basis of change in credit risk rating of the prospective borrower on the basis of ABS. Revised applicable interest rate will be made effective from the 1st of the month following in the month of revision/confirmation of rating.
 Interest code = RLB1M

Penal Interest

In case of default in repayment, the borrower shall be liable to repay penal interest @ 2% over and above the applicable rate on irregular amount.

Security

Equitable Mortgage of IP as detailed below:

(Rs. in Crores)

S n o	Security Description	Area	Owner ship	Value			Bas is for Val uati on	Da te	Whet her existi ng/Fr esh
				L a s t S a n c t i o n	Mar ket Val ue	Rea liza ble Val ue			
1.	Property at Gata No 3248 & 3346 min Kasba Amroha bahar chungi tehsil-amroha & District -Jyotibaphule Nagar Sale Deed dtd 27.05.1998 at Book No-I, Vol No 2696/2728, page no-248/157-166 at Sr No-3148 at SRO Amroha	1831.98 Sqr Mtr	Sh. Dharam Chand Khurana	7.80	12.79	10.23*	M/s Goe I Consultants & Engineers	25.03.19	Existi ng#
						9.75			

2	Property at Gata No 3344/1 min Kasba Amroha bahar chungi tehsil-amroha & District -- Jyotibaphule Nagar Sale Deed dtd 09.09.1977 at Book No-I, Vol No 1351, page no-220 to 222 at Sr No-3590 at SRO Amroha	345.00 Sqr Mtr	Sh. Dharam Chand Khurana							BM Valuation 07.08.19
3	Property at Gata No 3344 min Kasba Amroha bahar chungi, Joya Road, tehsil-amroha & District -- Jyotibaphule Nagar Sale Deed dtd 07.08.2006 at Book No-I, Vol No 2083, page no-367 to 384 at Sr No-7588 25.03.19 at SRO Amroha	516.43 Sqr Mtr	Sh. Dharam Chand Khurana							
4	Property at Gata No 3344 min Kasba Amroha bahar chungi, Joya Road, tehsil-amroha & District -- Jyotibaphule Nagar Sale Deed dtd	516.43 Sqr Mtr	Sh. Dharam Chand Khurana							

	16.12.1981 at Book No-I, Vol No 1597, page no-9 to 10 at Sr No-6121 at SRO Amroha								
5	Property at Gata No 3344 min Kasba Amroha bahar chungi, Joya Road, tehsil- amroha & District -Jyotibaphule Nagar Gift Deed dtd 31.07.2010 at Book No-I, Vol No 4334, page no-125 to 172 at Sr No-11711 at SRO Amroha	516.4 3 Sqr Mtr	Sh. Dheer aj Khuran a						
6	Property at Gata No 3344 min & 3344/1 min Kasba Amroha bahar chungi, Joya Road, tehsil- amroha & District -Jyotibaphule Nagar Sale Deed dtd 05.12.2008 at Book No-I, Vol No 3398, page no-69 to 122 at Sr No-15982 at SRO Amroha	861.4 3 Sqr Mtr	Smt. Savitri Khuran a						
7	SIMPLE MORTGAGE DEED WITHOUT POSSESSION/R	1832. 50 Sqr	Dhara m Chand Khuran						

<p><u>Registered Mortgage</u></p> <p>Property at Khasra No 3346 min, Kasba Amroha bahar chungi, Joya Road, tehsil-amroha & District -Jyotibaphule Nagar</p> <p><u>Mortgage Deed dtd 10.08.2017 at Book No-I, Vol No 8944, page no-303 to 320 at Sr No-8060 at SRO Amroha</u></p> <p>(Sale Deed dtd 13.06.1973 at Book No-I, Vol No 1194, page no-180 to 181 at Sr No-1830 at SRO Amroha)</p>	Mtr	a					
Total	6420.20 Sqr Mtr						

*Value of Self-Occupied portion is Rs 7.37 Crores & BM has accepted the value of Rs 7.00 Crores.

At present the security is mortgaged with us against existing Term Loan, the Term Loan will be adjusted by Firm out of fresh credit facility proposed.

- Please find below bifurcated value of Self Occupied property and Party rented property done by Bank's approved advocated M/s Goel Consultants & Engineers vide report dated 25.03.2019:

Particulars	Area	MV (Amt in Cr)	RV (Amt in Cr)
Self-Occupied	39909.63 Sq Ft or	9.21	7.37

