

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

ENCUMBRANCE REPORT

To,

Homekraft Infra Private Limited
711/92, Deepali, Nehru Place,
New Delhi-110019.

Subject - Encumbrance Report to identify any mortgage or charge in relation to Plot No. 01/GH-04 admeasuring 20,000 Square Meters situated in Sector 4, Greater Noida, Uttar Pradesh ("**Subject Plot**").

Sir,

We have been given the following background of the Subject Plot -

- (i) The Subject Plot i.e. land bearing plot no. 01/GH-04 was leased in favour of Aims Golf Town Developers Private Limited ("**AGTDPL**") by Greater Noida Industrial Development Authority ("**GNIDA**") under the Lease Deed dated 9th December, 2010 which is registered as Book No. 1, Volume No. 7662, Page 1 to 616, Document No. 24525 on 9th December, 2010 with the office of Sub-Registrar-II, GNIDA ("**Lease Deed**").
- (ii) Thereafter, the Subject Plot was subleased by AGTDPL in favour of VTECH Buildcon Private Limited ("**VBPL**") vide Sub-Lease Deed dated 31st January, 2014 which is registered as Book No. 1, Volume No. 15001, Page No. 317 to 344 as Document No. 3415 on 31st January, 2014 with the office of Sub-Registrar-II, GNIDA ("**Sub-Lease Deed**").
- (iii) VBPL granted development rights on the Subject Plot to Homekraft Infra Private Limited ("**Homekraft**") by and under a Development Agreement dated **27th April, 2018**, which is registered bearing Bahi No. 1, Zild No. 27631, Page No. 41 to 90, Serial No. 13826, duly registered on April 27, 2018 with the office of Sub-Registrar-II, GNIDA ("**Development Agreement**").

Our observations -

- (a) We have carried out an inspection/ searches of the public records maintained at the relevant office of the Sub-Registrar, GNIDA for the period 2006 (the date on which Lease Deed was registered in favour of AGTDPL by NOIDA) till 2019 through search clerks. No document or instrument under which AGTDPL may have created a mortgage or a charge on the Subject Plot has emerged. The public records at the office of the Sub-Registrar, GNIDA show that VBPL and Homekraft have mortgaged the Subject Plot vide Mortgage Deed dated 26th March 2019 registered with the Sub-Registrar, GNIDA bearing Bahi No. 1, Zild No. 31873, Page No. 235 to 300, Serial No. 10192, duly registered on March 26th, 2019 in favour of Piramal Trusteeship Services Pvt. Ltd. for a loan of INR 75 Crores for the Project.
- (b) We have inspected the public records available with the Registrar of Companies ("**RoC**") for AGTDPL, VBPL and Homekraft at the official portal of the Ministry of Corporate Affairs. No documents or instrument under which AGTDPL may have created any mortgage or a charge on the Subject Plot has emerged. The public records available with RoC for VBPL and Homekraft show charge in favour of Piramal Trusteeship Services Pvt. Ltd. for an amount of INR 75 Crores.
- (c) We have also sought specific disclosures from Homekraft, and Homekraft has represented that no encumbrance/charge has been created on the Subject Plot other than above.
- (d) Under the Development Agreement, VBPL has represented to Homekraft that no encumbrance/charge had been created on the Subject Plot by VBPL.



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- (e) As per the Lease Deed and the Sub-Lease Deed, it is provided that GNIDA shall have the first charge on the Subject Plot towards payment of all dues of GNIDA.

Based on the above exercises, the following is the conclusion;

1. GNIDA has the first charge on the Subject Plot towards payment of all dues of GNIDA.
2. As per public records, Homekraft and VBPL have mortgaged the Subject Plot in favour of Piramal Trusteeship Services Pvt. Ltd. for an amount of INR 75 Crores
3. No other mortgage/charge has emerged over the Subject Plot.

Inspection slip is attached herewith as **Annexure- A.**

Date: **16.05.2019**


Brijesh Kumar Tamber
Advocate

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ANNEXURE- A

भाग I

प्रस्तुतकर्ता अथवा प्रार्थी द्वारा रखा जाने
वाला

अपलिफिकेशन नंबर सटर ग्रेटर नोएडा कम नं. 2017-145050881

गौतम बुद्ध नगर

पत्र या प्रार्थना पत्र प्रस्तुत करने का
दिनांक 16/05/2019

प्रस्तुतकर्ता या प्रार्थी का
नाम ब्रजेश कुमार तम्बर

पत्र का प्रकार मूआयना

2006 वर्ष से 2019 तक

रजिस्ट्रार की धमराशि 100

1. रजिस्ट्रीकरण शुल्क
2. प्रतिलिपिकरण शुल्क
3. निरीक्षण या तलाश शुल्क
4. मुख्तार के अधिप्रमाणीकरण लिए
शुल्क
5. कमीशन शुल्क
6. विविध
7. यात्रिक भत्ता

न. 1 तक का योग 100

शुल्क वसूल करने का दिनांक 16/05/2019
दिनांक जब लेख प्रतिलिपि या तलाश 16/05/2019

प्रमाण पत्र वापस करने के लिए तैयार
किया

रजिस्ट्रीकरण अधिकारी के