

Satya Prakash Singh Dhakrey

Res. 522/1 Awas

Vikas Colony Sikandra Yojna
Agra

Advocate

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Panel Advocate – Indian Bank .

To,

Date -

The Chief Manager
Indian Bank
New Agra, Agra

Annexure –B : Report of investigation of Title in respect of immovable Property

1	a. Name of the Branch/Business seeking opinion	Indian Bank Agra
	b. Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded	New Agra, Agra
	c. Name of the borrower	M/s Aradhya Developers
2	a. Name of the unit/concern/company/person/firm offering the property(ies) as security.	M/s Aradhya Developers 102 Gandhi Nagar Agra through present Partner Mr. Anu Gupta S/o Shree Pramod Kumar Gupta
	b. Constitution of the unit/concern/person/body/authority/firm offering the property for creation of charge.	Firm
	c. State as to under what capacity is security offered (whether as joint application or borrower or as guarantor etc.	Owner/Borrower
3	Complete or full description of the immovable property(ies) offered as security including the following details.	Dwelling Units/plots in the project Aradhya Green Khasra No. 115 (Part) Mauza Jaganpur Mustkil Agra (Total Area 2981.31 Sq.mts)
	a. Survey No.	As Above
	b. Door/House No. (in case of house property)	As above
	c. Extant area including plinth/built up area in case of house property	NA

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	d. Location like name of the place village city, registration, sub-district.				Khasra No. 115 (part) Mauza Jaganpur Agra
4	a. Particulars of the documents scrutinized serially and chronologically. b. Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified. Note : Only original of certified extracts from the registering/land/revenue/other/authorities be examined				Please see the annexure -1
	S I. N O	Date	Name/Nature of the document	Original/certified copy/extract/photo copy etc.	In case of copies whether the original was scrutinized by advocate
	1	23.06.11	Registered Sale deed	Photo copy	Verified from original
	2	23.06.11	Registered Sale deed	Photo copy	Verified from original
	3	10.05.11	Registered Sale deed	Photo copy	Verified from original
	4	10.05.11	Registered Sale deed	Photo copy	Verified from original
	5	01.10.12	Registered Exchange deed	Photo copy	Verified from original
	6	21.09.20	Lay out plan	Photo copy	Verified from original
	7	24.07.21	Registered Partnership deed	Photo copy	Verified from original
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				No. registered documents are verified from Sub-Registrar office Agra
6	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, only manual records are available
	b. If such online/computer records are available whether any verification or cross checking are made and the comments/findings in this regard				NA
	c. Whether the genuineness of the stamp paper is possible to be got verified from any online portal and if so whether such verification was made?				
7	a. Property offered as security falls within the jurisdiction of which Sub-registrar office?				Sub-registrar Agra
	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 searches has been made at all the offices named at (7) above?				Yes, Concerned Sub-Registrar I office Agra
	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				No.

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	question?	
8	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 whenever Minor's interest or other blog on title is involved search should be made for a further period depending on the need for clearance of such blog 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 (Separate Sheets may be used)	Please See the annexure -1
9	Nature of title of the intended Mortgagor over the Property (whether full ownership rights Leasehold Rights/ Occupancy Possessory Rights or Inam Holer or Govt. Grantee/Allotee etc.	Full ownership right and after execution and registration of sale deed of particular unit in favour of intending mortgagor(s) /borrower(s). he/she will have rights.
10	If Leasehold Whether	No
	a. lease deed is duly stamped and registered	NA
	b. Lessee is permitted to mortgage the leasehold right	NA
	c. duration of the lease/unexpired period of lease	NA
	d. If a sub-lease check the lease deed in favor of lessee as to whether lease deed permits sub-leasing and mortgage by sub-lessee also.	NA
	e. Whether the leasehold rights permits for the creation of any superstructure (if applicable)	NA
	f. Right to get renewal of the leasehold rights and nature thereof.	NA
11	If govt grant/allotment/Lease-cum/Sale Agreement whether.	No
	Grant/agreement etc. provided for alienable rights to the mortgagor with or without conditions.	NA
	The mortgagor is competent to create charge on such property	NA
	Whether any permission from Govt. or any other Authority is required for creation of mortgage and if so whether sych valid permission is available	NA
12	If occupancy right whether	NA
	a. such rights heritable and transferable	NA
	b. mortgage can be created	NA
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 be obtained and the reasons for coming to such conclusion.	NA
14	If the property/has been transferred by way of Gift/Settlement	NA

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	Deed whether	
	a. The Gift/Settlement Deed is duly stamped and registered	NA
	b. The Gift/Settlement Deed has been attested by two witness	NA
	c. The Gift/Settlement Deed transfers the property to Donee	NA
	d. Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separate writing or by implication or by actions	NA
	e. Whether there is any restriction on the Donor is executing the Gift/Settlement deed in question	NA
	f. Whether the done is in possession of the gifted property	NA
	g. Whether any type interest is reserve for the donor or any other person and whether there is a need for any other person to join the creation of the mortgage?	NA
	h. Any other aspect affecting the validity of the title deed passed through the gift/settlement deed.	NA
15	a. in case of partition/family settlement deed whether the original deed is available for deposit If not the modality/procedure to be followed to create a valid and enjoyment of his share.	NA
	b. Whether mutation has been effected and whether the mortgage is in possession and enjoyment of his share.	NA
	c. Whether the partition made is valid in law and the mortgagor has acquired a mortgagable title thereon.	NA
	d. In respect of partition by decree of court whether such decree has become final and all other conditions/formalities are completed/complied with.	NA
	e. Whether any of the documents in question are executed in counterparts or in more then one set? if so additional precautions to be taken for avoiding multiple mortgages?	NA
16	Whether the title documents included any lostineritary documents/wills?	NA
	a. In case of wills whether the will is registered will or unregistered will	
	b. Whether will in the matter needs mandatory probate and if so whether the same is probated by a competent court?	NA
	c. Whether the property is mutated on the basis of will?	NA
	d. Whether the original will is available?	NA
	e. Whether the original death certificate of the testator is available?	NA
	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	NA

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	acted upon the will etc. which are relevant to rely on the will availability of Mother/Original title deeds are to be explained)	
17	a. Whether the property is subject to any wakf right ?	No
	b. Whether the property belongs to church/temple or any religious/other institutions having any restriction in creation of charges on such properties?	NA
	c. Precautions/permissions If any in respect of the above cases for creation of mortgage?	NA
18	a. Where 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
	b. Please also comment on any other aspect which may adversely affect the validity of security in such cases?	NA
19	a. Whether the property belongs to any trust or is subject to the rights of any trust?	No
	b. Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	NA
	c. If so additional precautions/permissions to be obtained for creation of valid mortgage?	NA
	d. Requirements if any for creation of mortgage as per the centrals/state laws applicable to the trust in the matter.	NA
20	a. If the property is agriculture land Whether the local laws permit mortgage of agriculture land and whether there are any restrictions for creation/enforcement of mortgage.	NA
	b. In case of agriculture property offer relevant records/documents as per local laws. If any to be verified to ensure the validity of the title and right to enforce the mortgage?	NA
	c. In case of conversion of agriculture land for commercial purpose or otherwise whether requisite procedure followed/permission obtained	NA
21	Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz. Agriculture Laws, weaker sections, minorities, Land Laws, SEZ regulations, Coastal Zone Regulations, Environmental clearance etc.	NA
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.	NA

23	a. Whether the property is involved in or subject matter of any litigation which is pending or concluded?	No
	b. If so whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?	NA
	c. Whether the title documents have any court seal/markings which points out any litigation/attachment/security to court in respect of the property in question? in such case please comment on such seal/markings?	No
24	a. In case of partnership firm whether the property belongs to the firm and the deed is properly registered.	NA
	b. Property belonging to partners whether thrown on holchoot? Whether formalities for the same have been completed as per applicable laws?	NA
	c. Whether the person(s) creating mortgage has/have Authority to create mortgage for and on behalf of the firm.	NA
25	Whether the property belongs to a Firm/Check the Borrowing powers, board resolution, authorization to create mortgage/execution of documents, Registration of any prior charges with the company registrar (ROC) Articles of Association/provision for common seal etc.	Yes, fresh Board resolution and ROC search to be obtained
26	In case of Societies Association the required Authority Power to borrower and whether the mortgage can be created and the requisite resolution by-laws.	NA
27	a. Whether the POA is involved in the chain of title?	No
	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 documents and hence it has created an interest in favor of the builder/developer and as such is irrevocable as per law.	NA
	c. In case the title document is executed by the POA holder, please clarify whether the POA involved is (i) one executed by the builder viz. Companies/Firm/Individual or proprietary concern in favor of their Partners/Employees/Authorized representatives to sign Flat allotment Letters, NOCs, Agreements of sale, sale Deeds etc, in favor of buyers of of Plot/units (Builder's POA) or (ii) other type of POA (common POA)	NA
	d. In case of builders POA whether a certified copy of POA is available and the same has been verified/compared with the original POA.	NA
	e. In case of common POA (i.e.) POA other than Builder's POA) Please clarify the following clauses in respect of	NA

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	POA. I. Whether the original POA is verified and the title investigation is done on the basis or original POA? II. Whether the POA is registered one? III. Whether the POA is a special or general one? IV. Whether the POA contains a specific Authority for execution of title documents in question?	
	f. Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question?	NA
	g. Please comment on the genuineness of POA?	NA
	h. The unequivocal opinion on the enforceability and validity of the POA	NA
28	Whether mortgage is being created by a POA holder check genuineness of the power of attorney and the extent of the powers given therein and whether the same is properly executed/stamped/authenticated in terms of the law of place where it is executed.	NA
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/buildings. b. Development Agreement/power of Attorney c. Extent of Authority of the Development/builder. d. Independent title verification of the Land and/or building in question e. Agreement for sale (duly registered) f. Payment of proper stamp duly g. Requirement of registration of sale agreement development agreement POA etc. h. Approval of building plan/ permission of appropriate/local Authority etc. i. Conveyance in favor of Society/Condominium consumed j. Occupancy certificate/allotment letter/letter of possession k. Membership details in the society etc. l. Share Certificates m. No objection Letter from the Society n. All legal requirement under the local/municipal laws regarding ownership of flat/Apartment //Building Regulations, Development Control Regulation, Co-operative Societies Laws etc. o. Requirement for noting the Bank charges on the records of the Housing Society if any p. If the property is a vacant land and construction is yet to	it is group housing complex Yes yes As Developer/builder Yes NA NA Yes NA NA NA Yes NA NA Yes NA Yes

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	be made approval of lay-out and other precautions if any q. Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan etc.	Yes
30	Encumbrance Attachments and/or claims whether of Government Central or State or other Local authorities of Third party. Lines etc. and details thereof	NA
31	The period covered under the Encumbrance Certificate and the name of the person in shows favor the encumbrance is created and if so satisfaction of charge if any	01.01.2010 to 15.06.2021
32	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid what remedy?	NA
	a. Urban land ceiling clearance, whether required and if so details thereon	NA
	b. Whether No Objection Certificate under the income Tax Act is required/obtained.	NA
34	Details of RTC extracts/mutation extracts/khata extract pertaining to the property in question.	NA
35	Whether the name of mortgage is reflected as owner in the revenue/municipal/village records?	Yes
36	a. Whether the property offered as security is clearly demarcated? b. Whether the demarcation/partitions of the property is legally valid? c. Whether the property has clear access as per documents?	
37	Whether the property can be identified from the following documents and discrepancy/doubtfully circumstances, if any revealed on such scrutiny? a. Document in relation to electricity connection. b. Document in relation to water connection. c. Document is relation to Sales Tax Registration if any applicable d. Other utility bills if any	Property is open land and a title documents no boundaries describe as such boundaries is to verified by valuer and to be confirm by bank.
38	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 their actual current boundary/if so please elaborate/comment on the same	No
39	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.	Yes- Approval of layout plan dated 21.09.2020 from Agra Development Authority.

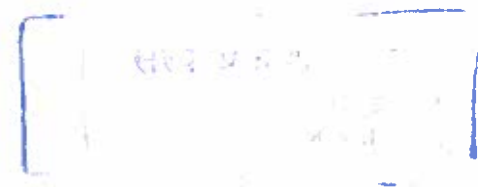
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40	Any bar/restriction for creation of mortgage under any local or special enactment, detail of proper registration of documents/payment of proper stamp duty etc.	No
41	Whether the Bank will be able to title enforce SARFASI Act. if required against the property offered as security?	Yes
42	In case of absence of original title deeds of legal and other requirements for creation of a proper valid and enforceable mortgage by deposit of certified extracts duly certified etc. as also any precaution to be taken by the Bank in the regard.	NA
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.	NA
44	Additional aspects relevant for investigations of title as per local laws	No
45	Additional suggestions if any to safeguard the interest of Bank/ensuring the perfection of security.	
46	The specific persons who are required to create mortgage deposit documents creations mortgage.	Above said M/s Aradhya Developers through partner authorized Signatory Mr. Anu Gupta
47	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act, 2016? Y/N	Yes
	Whether the project is regd. with the Real Estate Regulatory Authority ? If so the details of such registration are to be furnished.	No
	Whether the regd. agreement for sale as prescribed in the above Act/Rules there under is executed?	Na
	Whether the details of the apartment/plot in question are verified with the list number and types of apartments or plots booked as uploaded by the promoter in the website of Real Estate Regulatory Authority?	No

Date : 26.07.2021

Place : Agra

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Signature of the Advocate



ANNEXURE –C CERTIFICATE OF TITLE ON BASIS OF ORIGINAL THE TITLE DEEDS

I have examined the original regd. sale deeds, Kahtauni, Khasra and inspect the revenue records related to the project "Aradhya Green ", the builder Aradhya Developers is owner of land of project area 2981-31 sq. Mtr. on which the project Aradhya Green Mauja Jaganpur Agra is developed and that the documents of title referred to in the opinion are valid evidence or Right, title and interest and have clear marketable title over the property and thereafter if the said Equitable Mortgage is created it will satisfy the requirements of creation Equitable Mortgage and I further certify that :

1. I have examined the Documents in details, taking into account all the Guideline in the check list vide Annexure – B and the other relevant factors and undertake to re-examine the original title deeds as and when produced and
2. I confirm having made a search in the Land/Revenue records I also confirm having verified and checked the records of the relevant Government Offices/Sub-Registrar(s) Office(s) revenue records, Municipal/Panchayat Office, Land Acquisition Office, Register of Companies Office, Wakf Board (wherever applicable) I do not find anything adverse which would prevent the title Holders from creating a valid mortgage. I am treble responsible of any loss is caused to the Bank due to negligence on my part of by agent in making search.
3. Following scrutiny of Land Records/Revenue Records and relative Title deeds, Certified copies of such title deeds obtained from the concerned registrar office and encumbrance certificate (EC), I hereby certify the genuineness of the Title Deeds Suspicious/Doubt if any has been clarified by making necessary enquiries.
4. There are no prior Mortgage/charges/Encumbrance whatsoever as could be seen from the encumbrance certificate for the period from 2010 to 2021 pertaining to the immovable property(ies) covered by above said Title Deeds. The property is free from all encumbrances.
5. In case of second/subsequent charge in favour of the bank there are no other mortgages/charges other then already stated in the Loan documents and agreed to by the mortgagor and the Bank) Delete whichever is inapplicable) NA
6. Minor(s) and his/their interest in the property(ies) is to the extent of Nil (Specify the share of the Minor with Name) (Not applicable)
7. The Mortgage If created will be available to the Bank for the Liability of the intending purchaser of the Plot/Unit in the project of "Aradhya Green "

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8. I certify That intending purchaser of the Plot/Unit in the project of "Aradhya Green " have an absolute, clear and Marketable title over the schedule property(ies), I further certify that the above title deeds are genuine and a valid mortgage can be created and the said Mortgage would be enforceable.
9. In case of creation of Mortgages by Deposit of Title Deeds we certify that the deposit of following title deeds/documents would create a valid and enforceable Mortgage.
- Original regd. sale deed dt. 23.06.11 executed by Shri Kishan in favor if Smt. Anjli Gupta
 - Original regd. sale deed dt. 23.06.11 executed by Shri Kishan in favor if Smt. Neelam Gupta. .
 - Original regd. sale deed dt. 10.05.11 executed by Narayan Singh in favor of Smt. Anjli Gupta .
 - Original regd. Sale deed dt. 10.05.11 executed by Narayan Singh in favor of Smt. Neelam Gupta.
 - Original regd. Exchange deed dt. 01.10.12 executed by Shri Kiashan in favor of Smt. Anjli Gupta and Smt. Neelan Gupta .
 - Original regd. Partenership deed dt. 24.07.11.
 - Extract of Khatauni of Khasra No. 115 Mauza Jaganpur, Agra.
 - Copy of ROC certificate, Memorandum of Association and Articles of Association.
 - Copy of Board Resolution.
 - Copy of approved lay out plan on the land khasra no. 115, Mauza Jaganpur Agra.
 - Fresh Affidavit regarding list of sold and unsold plots/units.
 - Original sale deed subsequently to be executed in favor of intending buyer of Plot/Unit.
10. There are no legal Impediments for creation of the Mortgage under any applicable lawRules in force.

SCHEDULE OF THE PROPERTY/IES

Plots/Units as group housing/plots/houses project known as "Aradhya Green " is being developed on the land Khasra No. 115 Mauza Jaganpur Mustkil Agra (Total Area 2981.31 sq. mtrs)

Place : Agra

Date : 26.07.2021

Signature of the Advocate

