

Adv. Aruna Kshirsagar
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Title Investigation Report

Date: 18.2.2013

1.	Name of the Branch/BU seeking opinion.	State Bank of India, Nagpur	
2.	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	Master search of 'Gokul Park Tower No.-1' a project by M/s Harihar Infrastructure Development Corporation Ltd.	
3.	Name of the unit/concern/company/ person offering the property(ies) as security.		
4.	Constitution of the unit/concern/person/body/authority offering the property for creation of charge.		
5.	State as to under what capacity is security offered. (Whether as joint applicant or borrower or as guarantor, etc.)		
6a)	Particulars of the documents scrutinized serially and chronologically		
Sr. No.	Date and type of Document	Name of Parties	Original/ Certified/ Photocopy/ True Copy
a	7/12 Extract	In the name of Shri Madhukar S. Menghre by Civil Suit No. 1576/85	Certified copy
b	Judgement & order dt.28.11.1991	By 3 rd Jt. Civil Judge Jr. Div. in R. C. S. No. 1576/85 Between Shri Madhukar S. Menghre Vs. Shamrao K. Menghre & others	Photocopy
c	Decree in C. A. No. 14/99	Passed by District & Session Judge in Appeal No. 52/1992	Photocopy
d	Order in second appeal No. 166/99	In Mrs. S. S. Menghre & others Vs. Madhukar S. Menghare	Photocopy
	Memorandum of Family Arrangement dt.14.12.2000	Between Shri Madhukar S. Menghare & others	Photocopy

Adv. A. P. Kshirsagar

Certificate of Title

1. I have examined the Original Title Deeds intended to be deposited relating to the schedule of property and offered as security by way of Equitable Mortgage and that the documents of title referred to in the Opinion are valid evidence of Right, title and interest and that if the said equitable Mortgage is created, it will satisfy the requirements of Creation of Equitable Mortgage and I further certify that

2. I have examined the Documents in detail taking into account all the Guidelines in the Check List vide Annexure C and the other relevant factors.

3. I confirm having made a search in the Land/Revenue records. I do not find anything adverse which would prevent the title Holders from creating a valid Mortgage. I am liable/responsible, if any loss is caused to the bank due to negligence on my part or by my agent in making search.

4. Following scrutiny of Land/Revenue records and relative Title Deeds, I hereby certify the genuineness of the Title Deeds. Suspicious/Doubt if any has been clarified by making necessary enquiries.

5. There are no prior Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 1999-2013 pertaining to the Immovable Property/ies covered by above said Title Deeds. The property is free from all encumbrances.

6. In case of second/ subsequent charge in favour of the Bank, there are no other mortgages/Charges other than already stated in the Loan documents and agreed to by the Mortgagor and the Bank.

7. Minor(S) and his/ their interest in the property(ies) is to the extent of Nil

8. The Mortgage if created will be available to the Bank for the Liability of the intending Borrower.

9. I Certify that M/s Harihar Infrastructure Development Corporation Ltd. has an absolute, clear and Marketable title over the schedule property. I further certify that the above title deeds are genuine and a valid mortgage can be created and the said Mortgage would be enforceable.

M. A. P. Kishinagar

In case of creation of Mortgage by Deposit of title deeds, I certify that the following title deeds/ documents would create a valid and enforceable

Photocopies of documents from 'a' to 'p' & 'r' as per the list of documents.

Original Affidavit dt.18.2.2013 from M/s Harihar Infrastructure Development Corporation Ltd.

Original Agreement to Sell of Borrower.

Copy of NIT NOC for Sale. (At the time of Sale Deed)

Original Sale Deed of Borrower.

Schedule of Property

All that R. C. C. superstructure bearing Shop Nos. 001 to 003 on the Gr. Floor and Residential Apartment No. 004, 101 to 104, 201 to 204, 301 to 304 401 to 404 in the building known and styled as 'Gokul Park Tower No. 1' Adm. as per the Deed of Association with undivided Share and Interest in land bearing Plot No. 1 Adm. 1274.786 Mrs., (as per regularization) Corporation House No. 3521/1, W. No. 15, Kh. No. 83/1/1, Mz. Somalwada, C. S No. 551, Sheet No. 714, Manish Nagar, Nagpur, Tah. Dist., Nagpur and bounded as follows-

East - Kh. No. 83/1-2

North - Road

West - Road

South - Plot No. 2

Date. 18.2.2013

Place :- Nagpur

Mrs. Aruna Kishirsagar

Mrs. A. Kishirsagar
Advocate

Title History

Having been engaged by State Bank of India for the purpose of verifying the title of M/s Harihar Infrastructure Development Corporation Ltd. in respect of Plot No. 1 as more specifically described in the schedule of property, I, the undersigned do hereby submit my report of verification and search as under. That I have got verified and inspected the records at the office of the Sub Registrar Nagpur for 1999-2013 to find out the documents, if any recorded therein effecting any kind of transfer by way of sale, gift, exchange, mortgage, lease, or otherwise of the above said property.

That, on the basis of documents submitted and search taken at the office of Sub Registrar Nagpur, I submit my report as under.

That, Agricultural land out of Kh. No. 83/1 belonged to Shri Shamrao K. Menghare being his ancestral property. Shri Madhukar Shamrao Menghare had filed a Regular Civil Suit No. 1576/85 in the court of 3rd Joint Civil Judge Jr. Division for partition and separate possession of all the joint family ancestral property which had devolved upon Shri Shamrao K. Menghare, Shri Shamrao K. Menghare, Shri Baban Shamrao Menghare, Shri Prakash Shamrao Menghare, Shri Gopal S. Sahtwane Secretary of Amar Sanjay Society & Secretary of Adiwasi Nagar Gruh Nirman Sahakari Samiti were made defendants in said suit.

That, said suit was decreed and vide order & judgement dt.28.11.1991 said court allowed partition and separate possession of 1/4 share was given in said property. The defendants went in appellate court against said order. Said petition was filed vide Regular Civil appeal No. 52/99 in district and Session Judge, Nagpur which was dismissed by the court vide judgement dt.7.1.1999. Said order was again challenged before the High Court in second appeal No. 166/99 by the defendants in the original civil suit before the Civil Judge Jr. Div. The appeal was again dismissed vide judgement dt.28.11.2000 and decree of trial court was final.

That, Shri Madhukar S. Menghare demarcated 5 plot in said .83 HR of land out of Kh. No. 83/1 and partitioned it amongst his Sons and daughters namely Sau. Nilima R. Sahare, Kishor M. Menghare, Shri Praveen M. Menghare, Sau Alka A. Sawarkar vide Memorandum of Family Arrangement dt.14.12.2000. As per said arrangement, Plot No. 1 was allotted to Madhukar S. Menghare.

That, Shri Madhukar S. Menghare & others named above executed an Agreement of Development & Sale with M/s Harihar Housing Agency, a partnership firm through partner Shri Manish A. Badiyani. Land Adm. 8300 Sq. Mtrs., which came to the share of Shri Madhukar Menghare was permitted to be developed under said Agreement. Said Agreement is registered at Sr. No. 2805 dt.6.6.2006 in the office of Sub Registrar Nagpur.

Mr. A.P. Kshirsagar

That, Shri Madhukar S. Menghare & others executed General Power of Attorney in favour of Shri Manish A. Badiyani which is registered at Sr. No. 2805 dt.6.6.2006 in the office of Sub Registrar Nagpur.

That, it is further seen that, Shri Madhukar S. Menghare as Vendor and Shri Kishor M. Menghare & others as Consentors transferred Plot No. 1 Adm. 1399.84 Sq. Mtrs., to M/s Harihar Infrastructure Development Corporation Ltd., which was formerly M/s Harihar Housing Agency by Sale Deed which is duly registered at Sr. No. 3327 dt.26.8.2009 in the office of Sub Registrar Nagpur.

That, abovesaid property is regularized by NIT under Maharashtra Gunthewari Developments (Regulation, upgradation and Control) Act 2001 vide permit for Regularisation dt.14.9.2009. Plot No. 1 measured 1274.7860 Sq. Mtrs., after regularisation.

That, order dt.16.9.2009 diverted Plot No. 1 for NA use.

That, M/s Harihar Infrastructure Development Corporation Ltd. is developing Plot No. 1 into a multistoried building consisting of 3 Commercial units and 17 independent residential units as per the building plan sanctioned by NIT vide building Building permit dt.27.9.2012.

That, entire project is submitted to the provisions of Maharashtra Apartment Ownership Act by executing a Deed of Declaration which is duly registered at Sr. No. 890 dt.8.2.2013 in the office of Sub Registrar Nagpur.

That, said property is duly mutated in the name of M/s Harihar Infrastructure Development Corporation Ltd. in city Survey, NIT and NMC.

That during search I have not found any document adversely affecting the title of said owner. It has clear and marketable title over said property. That, Shri Manish A. Badiyani has also sworn an affidavit dt.18.2.2013 that said company is the absolute owner of abovesaid property and no dispute is pending in respect of said property. Therefore the Shops and apartments to be constructed on said plot can be accepted as security for advancing loan to any person purchasing the apartments in said Scheme.

Hence this report.

Date: 18.2.2013

Place :- Nagpur

Mrs. Aruna Chitambar
Mrs. A.P. Chitambar
Advocate

पावती कर्मक

दस्तावेज/अर्जाचा अनुक्रमांक ०९९/१३

नॉटरी ३९ म.
Regn. 39 M.

दिनांक १९/०९/२०१३ सन २०

वस्त,

शोध अर्ज

सादर करणाऱ्याचे नाव -

डॉ. अरुणा विरमावर
नागपुर

खासगीलगावणे फी मिळाली

नॉटरी फी

नक्कल फी (फोटो)

पुढाकऱ्याची नक्कल फी

टपाल खर्च

नक्कल किंवा छापीने (कलम ६४ ते ६७)

शोध किंवा निरीक्षण

वंड-कलम २५ अन्वये

कलम २४ अन्वये

प्रमाणित नक्कल (कलम ५७) (फोटो)

इतर फी (मागील पानावरील बाबत)

मौजा - सोमलवाडा

ख.नं. (३/१/)

फोटो नं. १

वडि नं. ६५

मौजा - १९९९ ते २०१३

(१५ वर्षे)

(निम्नले पंथ्यात एक पत्र)

एकूण

र.	पैसे
365/-	
365/-	

दस्तावेज

नक्कल

रोजी तयार होईल व नॉटरीकृत झालेले पाठवली जाईल.
या कार्यवाहीत देण्यात येईल.

दस्तावेज खाली नाव दिलेल्या व्यक्तीच्या

नावे नॉटरीकृत झालेले पाठवावा.
हवाली करावा.

१५
एक रुपय निवडणूक, २०१३
मार्च २०१३

सादरकर्ता.

f	Order dt.11.3.2002	Passed by Tahsildar Nagpur	True Copy
g	Agreement of Developmant and Sala No. 2805 dt.6.6.2006	Executed by Shri Madhukar S. Menghre & others in favour of M/s Harihar Housing Agency	Original
h	General Power of Attorney No. 2806 dt.6.6.2006	Executed by Shri Madhukar S. Menghre & others in favour of Shri Manish A. Badlyani	Original
i	Sala Deed No. 3327 dt.26.8.2009	Executed by Shri Madhukar S. Menghre & others in favour of M/s Harihar Infrastructure Development Corporation Ltd.	Original
j	Permit for Regularisation dt.14.9.2009	From NIT in the name of M/s Harihar Infrastructure Development Corporation Ltd.	Original
k	NA order dt.16.9.2009	In the name of Shri Manish A. Badlyani	Original
l	Tax Receipt dt.18.3.2012	For 2009-12 in the name of M/s Harihar Infrastructure Development Corporation Ltd.	Original
m	Building permit dt.27.9.2012	From NIT in the name of M/s Harihar Infrastructure Development Corporation Ltd.	Original
n	Building plan dt.27.9.2012	Sanctioned by NIT	Original
o	Akhiv Patrika	In the name of M/s Harihar Infrastructure Development Corporation Ltd.(Plot No. 1)	Certified copy
p	Deed of Declaration No. 890 dt.8.2.2013	Executed by M/s Harihar Infrastructure Development Corporation Ltd.	Original
q	Affidavit dt.18.2.2013	From M/s Harihar Infrastructure Development	Original

AP/Kshirgao

		Corporation Ltd. through Director Shri M. A. Badliani	
r.	Certificate of Incorporation & Memorandum & Articles of Association	of M/s Harihar Infrastructure Development Corporation Ltd.	Photocopy
7.	Complete or full description of the immovable property/(ies) offered as security for creation of mortgage whether equitable/registered mortgage.		
	All that R. C. C. superstructure bearing Shop Nos. 001 to 003 on the Gr. Floor and Residential Apartment No. 004, 101 to 104, 201 to 204, 301 to 304 401 to 404 in the building known and styled as 'Gokul Park Tower No. 1' Adm. as per the Deed of Declaration with undivided Share and interest in land bearing Plot No. 1 Adm. 1274.786 Sq. Mtrs., (as per regularization) Corporation House No. 3521/1, W. No. 15, Kh. No. 83/1/1, Mz. Somahwada, C. S No. 551, Sheet No. 714, Manish Nagar, Nagpur, Tah. Dist., Nagpur and bounded as follows- East - Kh. No. 83/1-2 North - Road West - Road South - Plot No. 2		
8	Flow of titles tracing out the title of the intended mortgagor and his/its predecessors in interest from the Mother Deed to the latest title Deed. And wherever Minor's interest or other clog on title in involved, for a further period depending on the need for clearance of such clog on the title.	Separate sheet is attached.	
9.	Nature of title of the intended Mortgagor over the property (whether full ownership right, Leasehold Rights, Occupancy/ Possessory rights or Inam Holder or Govt. Grantee/ Allottee etc.)	Full ownership right	
10(a)	Encumbrances, Attachments, and /or claims whether of Government, Central or State or other Local authorities or third party claims, liens etc. and details thereof. If yes give the details thereof.	Not applicable	
(b)	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge if any.	From 1999-2013 (One receipt Dt.12.2.2012 attached herewith.	
11.	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid what remedy?	As per Tax Receipt dt.18.3.2012	
12.	Details of RTC extracts/mutation extracts/Katha extracts pertaining to the property in question	Name of owner is mutated in NIT, NMC and City Survey	

13.	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payments of proper stamp duty etc.	NIT NOC for Mortgage be obtained after registration of Sale Deed in favour of borrowers
14.	In case of absence of original title deeds, details 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 this regard.	Not applicable
15.	The specific persons who are required to create mortgaga/ to deposit documents creating mortgage.	Borrowers

Date 18.2.2013

Place- Nagpur

Mrs. Aruna Kshirsagar

Mn. A. P. Kshirsagar
Advocate.

Annexure C

1.	Nature of Title [Ownership/Leasehold/Occupancy/Govt. grant/Allotment etc.	Full ownership right
1a.	all the property has been transferred by way of Gift Deed, Whather a. The gift Deed is duly stamped and registered b. The Gift Deed has been attested by two witnesses c. The Gift Deed Transfers the property to Donee Whether the Donee has accepted the Gift by signing the Gift Deed or by a separated writing or by implications or by actions.	Not applicable
2.	If Leasehold whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the Leasehold right. c) duration of the lease/unexpired period of lease, 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-Lessees also	Not applicable
3.	If Govt grant/ allotment/Lease-cum/Sale Agreement whether a) grant-agreement etc. provides for alienable rights to the mortgagor with or without conditions. b) The mortgagor is competent to create charge on such property	Not applicable
4.	If occupancy right, whether a) such right is heritable and transferable b) Mortgage can be created	Not applicable
5.	a) urban land ceiling clearance, whether required and if so details thereon	Not applicable

	b) Whether No Objection Certificate under the Income Tax Act is required/ obtained	
6.	Nature of Minor's Interest, If any and if so whether creation of mortgage could be possible, the modalities/ procedure to be followed and reasons for coming to such conclusion	Not applicable
7.	If the property is Agricultural land whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for enforcing thereon	Not applicable
8.	In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	Permit for Regularisation dt.14.9.2009, NA order dt.16.9.2009
9.	Whether the property is affected by any local laws (viz. Agricultural laws, weaker sections, minorities, Land Laws etc.)	Not applicable
10.a	In case of Partition/ 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.	Not applicable
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 mortgageable title thereon.	Not applicable
11 a	In case of Partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable
b	Whether the person(s) creating mortgage has have authority to create mortgage for and on behalf of the firm	Not applicable
12 a	Whether the property belongs to a Limited Company, Check the Borrowing powers, BOD resolution, Authorisation to create mortgage/ execution of documents registration of any	Yes

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	prior charges with the Company Registrar, Articles of Association / Provision for Common Seal etc.	
b	In case of Societies, Association, the required authority/ power to Borrower and whether the mortgage can be created and the requisite resolutions Bye laws.	Not applicable
13.	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 Laws of the place, whether it is executed.	Not applicable
14.	If the property is a flat/apartment of residential/commercial complex check	Commercial cum Residential complex
a	Promoter's /land owner's title to the land /building	As per Sale Deed No. 3327 dt.25.8.2009
b	Development Agreement/Power of Attorney	Not applicable since the property is ultimately sold to Harihar Infrastructure Development Corporation Ltd.
C	Extent of authority of the Developer/ builder	Full authority
d	Independent title verification of the land and or building in question	Plot No. 1
e	Agreement of Sale (duly registered)	Not applicable
f	Payment of property Stamp Duty	Not applicable
g	Conveyance in favour of Society/ Condomonium concerned	Deed of Declaration No. 890 dt.8.2.2013
h	Occupancy certificate allotment letter/ Letter of Possession	To be obtained in each case
i	Membership details in Society etc.	Not applicable
j	Share Certificates	Not applicable
k	No Objection letter from Society	Not applicable
l	All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/Building Regulations, Development Control Regulations, Co-operative Societies Laws etc.	Complied with

15.	Where the property is a 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, right of female members etc.	Not applicable
16.	Pending Litigations/Court attachments/ injunction/ Stay orders/acquisition by Govt/Local Authorities etc. that could be ascertained.	Affidavit dt. 18.1.2013 from owner in this regard has been obtained.
17.	Any other details required for the purpose	No.

Date. 18.2.2013

Mrs. Aruna Kahlraager

Mrs. A. P. Kahlraager
Advocate