

4.13

It is further observed from the documents submitted before us that by a Simple Mortgage Deed (without Possession) dated 14th June, 2011 executed between M/s. R.N.A. Corp Pvt. Ltd. as the Borrower and M/s. R.N.A. Builders (AA) as the Mortgagor and Axis Bank Ltd. as the Bank, M/s. RNA Builders (AA) had mortgaged the land admeasuring about 20,310 sq. mtrs. and the building known as 'RNA Viva' consisting of 'A' to 'H' Wings totally admeasuring about 3,20,210 sq. ft. Built-up area constructed on land bearing Survey No. 224, Hissa Nos. 1A & 1B admeasuring about 20,310 sq. mtrs. and land admeasuring about 15,350 sq. mtrs. bearing Survey No. 106, (i.e. total land admeasuring about 35,660 sq. mtrs.) situate, lying and being at Village Ghodbunder, Taluka, District & Registration District and Sub-District of Thane and within the limits of Mira-Bhayander Mahanagarpalika, as security towards repayment of the Cash Credit facility of Rs. 50,00,00,000/- (Rupees fifty crores only) availed by M/s. RNA Corp Pvt. Ltd. The said Mortgage Deed was stamped for Rs. 10,00,000/- and registered under registration No. TNN4-04943-2011 on 14.6.2011 with the Sub-Registrar of Assurances, Thane-4. In the Index II the area of the property mortgaged has been mentioned as 20,310 sq. mtrs. forming part of land bearing Survey Nos. 224, Hissa Nos. 1A & 1B and Survey No. 106 together with Built-up area of 3,20,210 sq. ft. Built-up area of the project 'RNA Viva'.

4.14

In view of the foregoing we certify that M/s. RNA Builders (AA) are having absolute, clear and valid marketable title to the captioned Unsold Units/Flats totally admeasuring about 2,42,660 sq. ft. Built-up area and the Units/Flats to be constructed in the 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'I' Wings of the building known as "RNA Viva" being constructed on all that piece and parcel of land admeasuring about 21,016.39 sq. mtrs., which comprises of portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder, Taluka, District, Registration District & Sub-Registration District of Thane and within the limits of Mira Bhayandar Municipal Corporation free from all encumbrances subject to redemption of the mortgage already created in favour of Axis Bank Ltd., i.e. subject to the extent of liability payable to Axis Bank Ltd. against the Cash Credit facility availed by RNA Corp. Pvt. Ltd. Accordingly, M/s. RNA Builders (AA) is entitled, competent and empowered to mortgage the captioned Unsold Units/Flats together with the land underneath said building "RNA Viva" admeasuring about 21,016.39 sq. mtrs. forming portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder in favour of Axis Bank Ltd. for the additional credit facilities sanctioned/to be sanctioned to M/s. RNA Corp. Pvt. Ltd.

V.

ENCUMBRANCE CERTIFICATE FOR THE LAS 13 YEARS:-

Upon investigation and scrutiny of the documents submitted to us and the search taken from the records at the Offices of the Sub-Registrar of Assurances at Thane & Mira Road we certify that M/s. RNA Builders (AA) are having absolute, clear and valid marketable title to the captioned Unsold Units/Flats totally admeasuring about 2,42,660 sq. ft. Built-up area and the Units/Flats to be constructed in the 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'I' Wings of the building known as "RNA Viva" being constructed on all that piece and parcel of land admeasuring about 21,016.39 sq. mtrs., which comprises of portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder, Taluka, District, Registration District & Sub-Registration District of Thane and within the limits of Mira Bhayandar Municipal Corporation free from all encumbrances subject to redemption of the mortgage already created in favour of Axis Bank Ltd., and that M/s. RNA Builders (AA) is entitled, competent and empowered to mortgage the captioned Unsold Units/Flats together with the land underneath said building "RNA Viva" admeasuring about 21,016.39 sq. mtrs. forming portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder in favour of Axis Bank Ltd. for the additional credit facilities sanctioned/to be sanctioned to M/s. RNA Corp. Pvt. Ltd. We confirm that our representative caused search and investigated Title Deeds in respect of the aforesaid property at the office of the Sub-Registrar, Bandra for the last 13 years and the Search Report is enclosed herewith together with the Government fee paid receipt thereof.

VI.

FINAL CERTIFICATE

A.

On perusal of the title documents mentioned hereinabove and that the documents of title referred to hereinabove are perfect evidence of title and we further certify that M/s. RNA Builders (AA) are having absolute, clear and valid marketable title to the captioned Unsold Units/Flats totally admeasuring about 2,42,660 sq. ft. Built-up area and the Units/Flats to be constructed in the 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'I' Wings of the building known as "RNA Viva" being constructed on all that piece and parcel of land admeasuring about 21,016.39 sq. mtrs., which comprises of portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder, Taluka, District, Registration District & Sub-Registration District of Thane and within the limits of Mira Bhayandar Municipal Corporation free from all encumbrances subject to redemption of the mortgage already created in favour of Axis Bank Ltd., and that M/s. RNA Builders (AA) is entitled, competent and empowered to mortgage the captioned Unsold Units/Flats together with the land underneath said building "RNA Viva" admeasuring about 21,016.39 sq. mtrs. forming portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder in favour of Axis Bank Ltd. for the additional credit facilities sanctioned/to be sanctioned to M/s. RNA Corp. Pvt. Ltd. and that AXIS Bank Ltd. advances moneys on the security of the captioned Unsold Units/Flats



the land against creation of lien/charge by way of mortgage in favour of Axis Bank Ltd. is created and deposited in the manner required by law, it will satisfy the requirements of creation of equitable mortgage.

VII. WHO SHOULD EXECUTE THE MORTGAGE DEED:

Since all the property documents are standing in the name of M/s. RNA Builders (AA) and M/s. RNA Corp. Pvt. Ltd. is the Borrower, it is suggested that the Mortgage Deed is to be executed between (1) M/s. RNA Corp. Pvt. Ltd. as the Borrower of the One Part and M/s. RNA Builders (AA) as the Owner/Mortgagor of the Second Part and Axis Bank Ltd. as the Bank of the Third Part.

VIII. DOCUMENTS TO BE OBTAINED FROM THE BORROWER WHILE CREATING REGISTERED/SIMPLE MORTGAGE:

1. Original Deed of Conveyance dated 13th March, 2009 executed between the Estate Investment Co. Pvt. Limited as the Vendor being the Party of the First Part and M/s. R.N.A. Builders (AA) as the Purchaser being the Party of the Other Part, duly stamped for Rs. 100/- duly registered with the Sub-Registrar of Assurances, Thane 10 under registration No. TNN10-01541-2009 dated 13.03.2009- in respect of land bearing Survey No. 224, Hissa Nos. 1A & 1B.
2. Original Registration Receipt No. 1541 dated 13th March, 2009 for Rs. 820/- issued by the Sub-Registrar, Thane - 10 in favour of M/s. R.N.A. Builders (AA) for its Partner Shri. Anil Kumar Agarwal through his Power of Attorney holder Shri. Phoolchand Mourya.
3. Original Index II.
4. Original Deed of Confirmation dated 5th March, 2009 executed between the Estate Investment Co. Pvt. Limited as the Vendors of the One Part and M/s. R.N.A. Builders (AA) as the Purchasers of the Other Part, along with Franking Deposit Slip dated 05.03.2009 for Rs. 110/- towards payment of stamp duty & Registration Receipt No. 1540 dated 13.03.2009, Index II & duly registered with the Sub-Registrar of Assurances, Thane 10 under registration No. TNN10-01540-2009 dated 13.03.2009- in respect of land bearing Survey No. 224, Hissa Nos. 1A & 1B.
5. Original Agreement for Sale-cum-Development dated 29th December, 2007 executed between the Estate Investment Co. Pvt. Limited as the Vendor of the One Part and M/s. R.N.A. Builders (AA) as the Purchasers of the Other Part, along with two Challans both dated 28.01.2009 for Rs. 32,96,500 towards payment of insufficient stamp duty & penalty of Rs. 8,57,100/-.
6. Original Agreement for Sale dated 7th September, 2007 executed between Mrs. Jamila Ismail Patel & 11 Others as the Vendors of the First Part and M/s. R.N.A. Builders (AA) as the Purchasers of the Other Part, along with Franking Deposit Slip dated 06.09.2007 for Rs. 16,10,435/- towards payment of stamp duty, Registration Receipt No. 6855 dated 07.09.2007 & Index II & duly registered with the Sub-Registrar of Assurances, Thane 2 under registration No. TNN2-06821-2007 dated 07.09.2007- in respect of land bearing Survey No. 106.
7. Xerox copy of Power of Attorney dated 7th September, 2007 executed by Mrs. Jamila Ismail Patel & 11 Others in favour of M/s. R.N.A. Builders (AA) through its Partners Shri. Anilkumar Agarwal & 3 Others.
8. Original Agreement for Sale dated 15th November, 2007 executed between Mr. Aslam Ismail Patel as the Vendor of the First Part and M/s. R.N.A. Builders (AA) as the Purchasers of the Other Part, along with Franking Deposit Slip dated 08.11.2007 for Rs. 1,82,760/- towards payment of stamp duty, Registration Receipt No. 8572 dated 15.11.2007, Index II & duly registered with the Sub-Registrar of Assurances, Thane 2 under registration No. TNN2-08280-2007 dated 15.11.2007- in respect of land bearing Survey No. 106.
9. Xerox copy of Irrevocable General Power of Attorney dated 15th November, 2007 executed by Mr. Aslam Ismail Patel in favour of M/s. R.N.A. Builders (AA) through its Partners Shri. Anilkumar Agarwal & 2 Others.
10. Xerox copy of Fresh Certificate of Incorporation consequent upon change of Name dated 12th May, 2011 issued by the Deputy Registrar of Companies, Maharashtra, Mumbai from M/s. R.N.A. Corp Ltd. to M/s. R.N.A. Corp Pvt. Ltd.
11. Xerox copy of Declaration-cum-Indemnity Bond dated 15th March, 2007 executed by Aslam Ismail Patel, in respect of land bearing Survey No. 106.
12. Xerox copy of the Simple Mortgage Deed (without Possession) dated 14th June, 2011 executed between M/s. R.N.A. Corp Pvt. Ltd. & M/s. R.N.A. Builders (AA) as the Mortgagor and Axis Bank Ltd. as the Bank, along with Franking Deposit Slip dated 09.06.2011 for Rs. 10,00,220/- registration receipt No. 4944 dated 14.06.2011.
13. Xerox copy of Application for N.A. Order from RNA Builders (AA) to the District Collector, Thane.
14. Xerox copy of Amended Commencement Certificate No. MB/MNP/NR/253/2012-13 dated 19.4.2012 issued by the Mira-Bhayander Mahanagarpalika.
15. Xerox copy of Commencement Certificate No. MB/MNP/NR/2388/2010-11 dated 15.9.2010 issued by the Mira-Bhayander Mahanagarpalika.
16. Xerox copy of Order No. Mahasul/K1/T2/Land/SR-1651/08 dated 12.4.2010 issued by the Tahasildar Thane in respect of land bearing Survey No. 106



17. Xerox copy of ULC Order No. C/ULC/DV/6(1)/SR.VI-929/127 dated 20.11.1988 issued by the Additional Collector and Competent Authority, ULC Greater Mumbai.
18. Xerox copies of 7/12 Extracts & Extract No. 6
19. Copies of Approved Building Plans
20. Copy of Tax payment receipt.
21. Certified copy of the Board Resolution passed by the Board Directors of M/s. RNA Corp. Pvt. Ltd. to avail additional credit facility from Axis Bank Ltd. by mortgaging the captioned property.
22. An Indemnity Bond from M/s. RNA Corp. Pvt. Ltd. and M/s. RNA Builders (AA) stating that they have applied for the N.A. permission to the Collector of Thane and just in case due to non-receipt of the N.A. any eventuality takes place and loss/damage that may be caused to the Bank, M/s. RNA Corp. Pvt. Ltd. and M/s. RNA Builders (AA) would indemnify the Bank for such loss/damage, etc.
23. After Registering the Mortgage, a Declaration may please be obtained from M/s. RNA Builders (AA) stating that they have created mortgage of the captioned property in favour of Axis Bank Ltd. for the Cash Credit facility extended to M/s. RNA Corp. Pvt. Ltd. duly stamped for Rs. 200/- and to be notarised.



Yours faithfully,

K.A. Suryanarayanan
Advocate High Court

Note: The above report is generated based on the documents submitted for our scrutiny and perusal and also based on the search report submitted by our Search Clerk. In order to corroborate the details mentioned in the report and the factual position, it is suggested that the Bank Official may visit the site and identify the units/flats intended to be mortgaged and confirm the factual position. Further, from the search conducted at the Sub-Registrar's Office, Thane/Mira Road the search report reveals that some of the indexes are either torn or not maintained properly and the remaining index does not show any other adverse encumbrance and after ensuring the factual position, the Bank may disburse the loan to the Borrower.

WR-28213 AXIS SMC Mumbai

393/0

इतर
पावती

Original/Duplicate

Tuesday, 23 July 2013 3:21
PM

नोंदणी क्र.: 39म

Regn.: 39M

पावती क्र.: 7765

दिनांक: 23/07/2013

गावाचे नाव: घोडबंदर

दस्तऐवजाचा अनुक्रमांक: टनन10-0-2013

दस्तऐवजाचा प्रकार :

सादर करणाऱ्याचे नाव: अॅड. के. ए. सुर्यनारायण

वर्णन सर्वे नं.224, वर्ष-2001 ते 2013 पर्यंत

SEARCHFEE

रु. 325.00

एकूण:

रु. 325.00

Joint Sub Registrar Thane 10

सह दुय्यम निबंधक ठाणे-१०

1); देयकाचा प्रकार: By Cash रक्कम: रु 325/-

Between

Arif Abdulla Patel & Others

And

M/s. RNA Builders through its partner Shri. Anilkumar Agarwal

Execution Date 07/09/2007

Registration Date 07/09/2007

Registration No. TNN-02/6621/2007

2). Agreement for Sale

Agreement Value Rs. 25,00,000/-

Market Value Rs. 36,54,500/-

Schedule :- Land

Survey Nos. 106

Area 730.9 Sq. Mtrs. Open Land

Village Ghodbunder, Taluka & District Thane

Between

Aslam Ismail Patel

And

M/s. RNA Builders through its partner Shri. Anilkumar Agarwal

Execution Date 15/11/2007

Registration Date 15/11/2007

Registration No. TNN-02/8280/2007

2008

Transaction

1). Notice of Lease Pendshi

Schedule :- Land

Survey Nos. 224, Hissa No. 1/B

Area 1.01.1 HRP

Village Ghodbunder, Taluka & District Thane

Between

Shri. Chandrakant R. Patil & Others

And

Goyal Properties through its partner Shri. Ashok Goyal

Execution Date 04/6/2008

Registration Date 04/06/2008

Registration No. TNN-10/5541/2008

3). Confirmation Deed

Agreement Value Rs. 10,00,000/-

Schedule :- Land

Survey Nos. 224/1A

Area 10200 Sq. Mtrs.

84



SANJAY GHAGARE

Searcher

Room No. 27, Opp. China Mill, T. J. Road, Sewri, Mumbai - 400 015.

To,
K. A. Suryanarayanan

B.A. (Hons.), LL.B., DBM, PG Dip. In I.R.P.M.

Advocate, High Court, Bombay

SEARCH REPORT

Date 24th July, 2013

Axis Bank - Thane Branch (Search - 282/13)

A/c. M/s. R.N.A. Builders (AA)

Sub: Investigation of Title in respect of Unsold Units/Flats totally admeasuring about 2,42,660 sq. ft. Built-up area in the 'A', 'B', 'C', 'D', 'E', 'F' 'G', 'H' & 'I' Wings of the building known as "RNA Viva" being constructed on all that piece and parcel of land admeasuring about 21,016.39 sq. mtrs., which comprises of portion of the land admeasuring about 13,110.89 sq. mtrs. out of the total land admeasuring about 20,310 sq. mtrs. bearing Survey No. 224, Hissa No. 1A & 1B and land admeasuring about 7,905.50 sq. mtrs. out of the total land admeasuring about 9,091.90 sq. mtrs. bearing Survey No. 106 (Part), of Village Ghodbunder, Taluka, District, Registration District & Sub-Registration District of Thane and within the limits of Mira Bhayandar Municipal Corporation.

Our staff member has personally taken search of the above-mentioned Property in the Sub-Registrar office at Thane for the period 2001 - 2013.

SUB-REGISTRAR OFFICE AT THANE

2001	Some pages Torn
2002	Nil
To	
2006	Computer Index ix pages
2007	Computer Index ix pages Transaction
1). Agreement for Sale	
Agreement Value Rs. 50,00,000/-	
Market Value Rs. 3,22,08,500/-	

Schedule :- Land

Survey Nos. 106

Area 8631 Sq. Mtrs. Open Land

Village Ghodbunder, Taluka & District Thane



Agreement Value Rs. 1,67,30,000/-

Market Value Rs. 1,50,04,000/-

Schedule :- Land

Survey Nos. 106

Area 3193.85 Sq. Mtrs. Open Land

Village Ghodbunder, Taluka & District Thane

Between

Arif Abdulla Patel & Others

And

M/s. North I Reality Pvt. Ltd. through its partner Shri. Jorden S. Parera

Execution Date 30/09/2010

Registration Date 03/11/2010

Registration No. TNN-04/10220/2010

2011

Transaction

1). Mortgages Deed

Agreement Value Rs. 50,00,00,000/-

Schedule :- Land

Survey Nos. 224, Hissa No. 1A & 1B

Total area 20310 Sq. Mtrs. Open Land &

Development area 20310 Sq. Mtrs.

Village Ghodbunder, Taluka & District Thane

Between

By M/s. RNA Corporation Pvt. Ltd. through its Director Shri. RNA Builders through its partner Shri. Anilkumar Agarwal – Axis Bank Ltd.

Execution Date 14/06/2011

Registration Date 14/06/2011

Registration No. TNN-4/4943/2011

2012

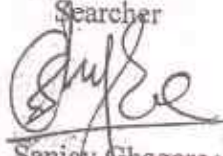
Computer Index mix pages

2013

Computer Index mix & loose pages

The Government Fee is paid vide Receipt No. 7765/13, dated 23rd July, 2013 and the same is enclosed herewith.



Searcher

Sanjay Ghagare

Village Ghodbunder, Taluka & District Thane

Between

Shri. Matesh Anthon Telis & Others

And

M/s. Rajdeep Realtors Pvt. Ltd. through its partner Shri. Amul G. Joshi

Execution Date 09/07/2008

Registration Date 11/07/2008

Registration No. TNN-02/6221/2008

3). Confirmation Deed

Agreement Value Rs. 2,84,00,000/-

Schedule :- Land

Survey Nos. 224/1A

Area 10200 Sq. Mtrs.

Survey Nos. 224/1B

Area 10110 Sq. Mtrs.

Village Ghodbunder, Taluka & District Thane

Between

Shri. Agsnesh Joseph Koli & Others

And

M/s. Rajdeep Realtors Pvt. Ltd. through its partner Shri. Amul G. Joshi

Execution Date 31/0/2008

Registration Date 15/09/2008

Registration No. TNN-02/7910/2008

2009

Transaction

1). Conveyance Deed

Agreement Value Rs. 2,42,00,000/-

Market Value Rs. 6,59,30,000/-

Schedule :- Land

Survey Nos. 224/1A & 1B

Area 20310 Sq. Mtrs.

Village Ghodbunder, Taluka & District Thane

Between

The Estate Investment Company Pvt. Ltd. through its Director Shri. Nandkumar K. Seksariya

And

RNA Builders through its partner Shri. Anilkumar Agarwal

Execution Date 13/03/2009

Registration Date 13/03/2009

Registration No. TNN-10/1541/2009

2010

Transaction

Agreement for Sale

