नोंदणी ३१ म.
Regn. 30 m

पावती क्रमांक

दुय्यम निबंधक/सह दुय्यम निबंधक क्रमांक 6049

दिनांक 24/8/2016 वेळ २०

दस्तऐवजाचा प्रकार --

सादर करणाऱ्याचे नाव— श्री/मे. K.K. Gaharwar

सह दुय्यम निबंधक यांची दिशाली :—

	रु.	पैसे
बाजारी की		
पक्षकार की (फोटोसह)	30 की	
दुय्यमनिबंधक नकलाची की		
टपाल खर्च		
एकत्र फिस आकारणी (अनुसूची १ ते १७)	6400	
शोध फिस/निरीक्षण फी—अनुच्छेद २५ अन्वये		
अनुच्छेद ३५ अन्वये		
अतिरिक्त नकला (अनुच्छेद ५७) / कार्यालय		
इतर फी (मागील पानावरील)		
..		
..		
..		
..	6400	
एकूण		

दस्तऐवज करून दिल्याचा दिनांक व वेळ नोंदणीकृत ऊकेने पडताळणी जाईल.

बाजारभाव (भाडेपट्ट्याच्या बाबतीत सहजभाडे) नोंदणीकृत ऊकेने पडताळणी जाईल व

दस्तऐवज करून घेणाऱ्याची सही

सह दुय्यम निबंधक/दुय्यम निबंधक

दस्तऐवज करून दिल्याचा दिनांक व वेळ दिल्याच्या पावतीवर नवे नोंदणीकृत ऊकेने पडताळणी जाईल.

सादरकर्ता

K. K. GAHARWAR & CO.

Banking & Corporate Law Consultants AND Advocates

Ref:- LSR. 169/2016-17 dt. 26/08/2016

LEGAL SCRUTINY REPORT

To,

The Chief Manager,
Central Bank of India
Pratap Nagar, Nagpur

Dear Sir,

With reference to your verbal instruction I submit my Legal Scrutiny Report as hereunder.

1. Name and address of the Mortgagor/title holder.
Mr. M/s L.K Construction
Through its proprietor Shri. Subhash Motiramji Kasulkar
R/o :- Nagpur

2. Details/Description of the documents scrutinized.

Sr. No.	Date of Document	Name of Document	Whether Original/ Certified/True Copy/ Photostat
	27/08/2014	Sale deed executed by 1)Shri. Mohit Sakarchand Shah & 2) Shri Abhay Narayan Panpaliya in favour of M/s L.K Construction through its proprietor Shri. Subhash Motiramji Kasulkar registered under Sr. No. 4416 dt. 27/08/2014 with Sub Registrar Nagpur-3	Photostat
3	29/09/2012	Relinquishment Deed executed by Smt. Shakun Madhaorao Gudadhe in favour of 1) Shri Sudhir Madhaorao Gudadhe and 2) Shri.Sachin Madhaorao Gudadhe registerd under Sr.No 5758 DT. 29/09/2012 with Sub-Registrar Nagpur-I	Photostat
4	29/03/2014	Sale deed executed by 1) Shri Sudhir Madhaorao Gudadhe and 2) Shri.Sachin Madhaorao Gudadhe in favour of 1)Shri. Mohit Sakarchand Shah & 2) Shri Abhay Narayan Panpaliya where M/s Tulsi Builders and developers is joint as confirming Party registered under Sr. No. 1729/2014 dt. 29/03/2014 with Sub Registrar Nagpur-6	Photostat
5	17/08/2014	Correction deed executed by 1) Shri Sudhir Madhaorao Gudadhe and 2) Shri Sachin Madhaorao Gudadhe in favour of 1)Shri. Mohit Sakarchand Shah & 2) Shri Abhay Narayan Panpaliya where M/s Tulsi Builders and developers is joint as confirming Party registered registered under Sr. No. 4414 dt. 17/08/2014 with Sub Registrar Nagpur-6	Photostat
6	27/08/2014	Deed Of Confirmation executed between 1) Shri Sudhir Madhaorao Gudadhe and 2) Shri.Sachin Madhaorao Gudadhe and M/s Tulsi builders and	Photostat

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Nagpur-440015 Phone : 0712-2780368(M) 9665949094 Fax : 0712-2780368

		developers (All Partners) registered under Sr.No. 4415 dt. 27/06/2014 with Sub Registrar Nagpur-6	
7	02/06/2006	N.A order vide order no. RMK/RI/NAP 34/2005-06 Dt. 02/06/2006	Photostat
8	06/11/2012	Release Letter dt. 06/11/2012 issued by NIT vide letter no. EE(W)/703 in respect of plot No. R-3 of mouza Jaitala	Photostat
9	23/10/2015	NMC house property Tax receipt no. 10/2015-16/0232672 dt. 23/10/2015 showing house property Tax paid Upto 31/03/2016	Photostat
10	30/01/2016	Building Plan duly Sanctioned and approved by Nagpur Improvement Trust, Nagpur vide building permit No. BP(west)/Case No. AH164P/Tracking No. 201582697/8915/44 dt. 30/01/2016	Photostat
11	11/05/2015	Extract of Akhiv Patrika issued by City Survey Authority- 3 Nagpur recording the name of M/s L.K Construction being the owner of Plot no. R-3 of Mouza- JAITALA on dated 11/05/2015	Photostat
12	28/07/2016	Deed of Declaration executed by M/s L.K Construction register under Sr.No. 4064 DT.28/07/2016 with Sub Registrar Nagpur-4	Photostat

3. Details/Description of Property/ies

Item No.	Survey No. Khata No. House No. Site No.	Extent/Areas Of Land/ Building	Location Sub-District /District/ Village/ Municipality etc	Boundary
1	FIRST SCHEDULE All that piece and parcel of retainable land bearing Plot No R-3 admeasuring 1244.43 Sq.Mtrs out of the sanctioned layout , being a part and portion of the entire land bearing Kh.No 133/2 ,P.h No. 44, City Survey No. 773, Sheet no. 54(592) of Mouza :- Jaitala , Nagpur within the limits of Nagpur Municipal Corporation and Nagpur improvement trust , Nagpur in Tah & Dist.Nagpur		MOUZA- Jaitala,,	Boundary EAST :- Kh.No 132/1 WEST :- 9 mtr wide Road NORTH :- Open space of layout SOUTH :- Kh.No 133/1

4. Brief history of the property/ies and how owner/mortgagor has derived the title :-

1. All that piece and parcel of agricultural land bearing Kh.No 133/2 ,P.h No. 44, admeasuring 1.15 HR of Mouza :- Jaitala , Nagpur within the limits of Nagpur Municipal Corporation, Nagpur in Tah & Dist.Nagpur was belonging to Shri Madhavrao Maroti Gudadhe.

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2. The said property lies within the limits of Nagpur Urban/Rural Agglomeration and the Urban Land(Ceiling and Regulation) Act , 1976 having come into force w.e.f 17-02-1976, they had filed their statements / Return under the section 6(1) of the said Act before the Deputy Collector and Competent Authority , U.L.C , Nagpur which was registered as ULC case No. 275/2005 on completion of his enquiry in respect of the aforesaid case the Competent Authority, U.L.C Nagpur vide his order dtd 22/12/2005 under section 8 (4) allowed 4500 Sq.Mtr retainable land and an area of 7000 sq.Mtr was declared as Surplus Vacant land under Section 20(1)(a) of the Urban Land (Ceiling and Regulation) Act,1976 on the pattern of Talegaon Dabhade Scheme within a period of 60 days from the date of passing of the order under section 8(4).

3. Shri Madhaorao Maroti Gudadhe applied for exemption to the aforesaid surplus vacant land containing by Government Resolution Housing and Special Assistance No. CSC/ULC/1091/5/(3977)/D-XIII dtd 15-01-1992. Considering the application , The Additional Collector and Competent Authority , U.L.C , Nagpur vide his provisional order dtd 31/12/2005 passesd in Case No ATP/ULC/TD(621)/Jaitala/2005/39 exempted 7000 Sq.Mtrs of the aforesaid surplus land out of Kh.No 133/2 of Moza –Jaitala from the provisions of the said Act Under Talegaon Dabhade Scheme subject to certain terms and conditions contained therein. Which was final sanctioned to the said scheme vide his order No. ATP/ULC/1788/2006 DT. 02/09/2006.

4. The Aforesaid land comprising survey no. 133/2 of Mouza –Jaitala is converted from agricultural land to Non-agricultural use by the additional collector Nagpur vide its order in revenue case No. 81/NAP-34/2005-06 dt. 02/06/2006

5. Nagpur Improvement trust ,Nagpur Vide its letter dt. 18/05/2007 bearing No. ADTP(PL)/757 issued the sanctioned layout plan.

6. Shri Madhaorao Maroti Gudadhe Expired on 10/04/2012 and on his death the aforesaid property was bequeathed and devolved upon his wife and two sons namely Smt.Shakun Madhaorao Gudadhe , Shri.Sudhir Madhaorao Gudadhe and Shri. Suchin Madhaorao Gudadhe. Latreon Smt.Shakun Madhaorao Gudadhe



relinquished her share and interest in the above said property in favour of her Sons namely Shri.Sudhir Madhaorao Gudadhe and Shri. Sachin Madhaorao Gudadhe vide Deed of Relinquishment dt. 29/09/2012 which is duly registered under Sr.No 5758/2012 dt. 29/09/2012 with Sub Registrar Nagpur -I

7. The aforesaid plot No. R-3 was regularized by NIT Nagpur having an area of 1244.43 sq.mtrs vide its letter no. EE(W)/703 dated 06/11/2012 .

8. Thereafter, Shri.Sudhir Madhaorao Gudadhe and Shri. Sachin Madhaorao Gudadhe sold the said Plot No. R-3 to 1)Shri. Mohit Sakarchand Shah & 2) Shri Abhay Narayan Panpaliya by a Sale Deed registered under Sr. No. 1729 dt. 29/03/2014 with Sub Registrar Nagpur-6 where M/s Tulsi Builders and Developers is joint as confirming party and subsequently a Correction deed to Sale deed was also executed registered under Sr. No. 4414 dt. 27/08/2014 with Sub Registrar Nagpur-6 as the boundaries of Plot where wrongly mentioned and these mistake was rectified.

9. Shri.Sudhir Madhaorao Gudadhe and Shri. Sachin Madhaorao Gudadhe Shri. Mohit Sakarchand Shah , Shri Abhay Narayan Panpaliya and all partners of M/s Tulsi Builders and Developers consented the said sale Deed by way of executing Deed Of confirmation registered under Sr. No. 4415 dt. 27/08/2014 with Sub Registrar Nagpur-6.

10. Lateron 1)Shri. Mohit Sakarchand Shah , and 2)Shri Abhay Narayan Panpaliya sold the said Plot No. R-3 to L.K Construction through its poeprietor shri Subhash M. Kasulkar by a Sale Deed registered under Sr. No. 4416 dt. 27/08/2014 with Sub Registrar Nagpur-6 and its name is mutated and recorded in the records of city Survey vide mutation entry No. 3615 dt 16/08/2014

11. Accordingly, L.K Construction decided to develop the said Plot by constructing a multistoried building thereon to be known and styled as " MANJUSHA REGALIA" and got the Building Plan duly sanctioned and approved by Nagpur Improvement Trust, Nagpur vide building permit No. BE(west)/Case No. AB1649/Tracking No. 2015082697/8915/44 dt. 30/01/2006. It is also observed that NMC house property Tax receipt standing in name of L.K construction vide receipt no. 10/2015-16/0232672 dt. 23/10/2015 showing house property Tax paid Upto 31/03/2016



12. In view of the aforesaid , M/s L.K construction has become the absolute , exclusive and full owner of the aforesaid Plot No R-3 with transferable, heritable right title and interest therein and they have explicit and unimpeachable rights Power and authorities and privileges to construct a multi storied building thereon which is proposed to be known as "MANJUSHA REGALIA" and thereafter to sell , transfer, alienate and convey a separate self contained apartment to any prospective purchaser who intends to acquire the apartment and on execution and registration of Sale Deed in his favour and on payement of entire agreed consideration amount such prospective purchaser shall become the absolute, exclusive and Full owner of the flat property and can create valid equitable mortgage in favour of bank by deposit of title deeds as mentioned below

13. It is observed that Since the aforesaid Property is governed under the provisions of the "Maharashtra Apartment ownership Act,1970, L.K Construction has executed a Deed of Declaration as required under the said Act, which was register under Sr. No. 4064 DT.28/07/2016 with Sub Registrar Nagpur-4.

14. In View of the above we certify that title of L.K Construction **in respect of the aforesaid Flat Property is Clear, Marketable and Free from All Sort of Encumbrances as mentioned above** however , they can transfer, sale, alienate the said flat property to **any prospective Buyer. who** shall become the exclusive and absolute owner of the said flat property on payment of entire consideration amount and on execution and registration of sale deed.

5. Search and investigation; :- I have conducted search at Registry at Nagpur for 30years from 1986 to 2016 **vide receipt No. 7051** dated **25/08/2016 and did not find any adverse entry.**

5.1 The persons who is/are the present owner/s of the property/ies :- L.K Construction

5.2 Whether the party has absolute, clear and marketable title over the Property/ies proposed to be mortgaged and can create to valid mortgage on the property/ies. :- Yes

5.3 a) What is the nature of the title of the owner i.e. tenancy right, full ownership, occupancy right, possessory right, minor's :- Full Ownership

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right or any other type of right? Clarify.

b) Leasehold immovable property/ies. :- Not Applicable

(where the land/building(s) is/are leasehold, please verify the terms of the lease (s) the name and address (es) of the lessor(s) the name and address(es) of the lessor(s) and whether any permission/NOC from the lessor(s) company authority is required for transfer (such as mortgage, sale, etc of the property/ lease.

5.4 Whether there is any restriction/ prohibition under personal laws of the Owner/ mortgagor to hold the property/ies under the title deeds through which he has derived the title. :- Not Applicable

5.5 Whether the latest title deeds and the immediately previous title deeds are available in originals. :- Yes

5.6 Whether the building tax/land revenue has been paid, up to date. :- Paid upto 2016

5.7 Whether any dues recoverable as land revenue are outstanding. :- NIL

5.8 In case the facility is sought for construction purpose:- whether the land has been converted under the Land Revenue laws? If not required to be converted, give reasons. :- NIL

5.9 Whether the land is affected by any revenue and tenancy legislation? If so, how and to what extent and the remedy, if any. :- NIL

5.10 Whether the permission under the Urban Land (ceiling and Regulation) Act, 1976 is necessary or not? :- NIL

5.11 Is there any other special enactments like Land Acquisition Act and other State Legislations/provisions of which are applicable to be the property/ies and affecting the title? :- NIL

5.12 a) Is/ Are the property/ies free from encumbrances. :- Yes

b) Please give detailed account of creation of charge/mortgage or redemptions for a :- Not applicable



minimum period of 13 years and also state the subsisting charge/mortgage if any, mentioned in the encumbrances certificate for the last 13 years in case of Priority sector advances and for the last 30 years in all other cases

5.13 Whether the proposed equitable mortgage by deposit of title deeds is Possible? if So, what are the documents to be deposited? If deposit is not possible, can there be a simple mortgage or by a Registered mortgage or by any other mode of mortgage? :- Yes

1. Agreement to Sale that may be executed by M/s L.K Construction through its proprietor Shri. Subhash Motiramji Kasulkar in favour of prospective purchaser and registered with the concern registering authority.

----------Original----------

2. Sale Deed that may be executed by M/s L.K Construction through its proprietor Shri. Subhash Motiramji Kasulkar in favour of prospective purchaser and registered with the concern registering authority

----------Original----------

3. Sale deed executed by 1)Shri. Mohit Sakarchand Shah & 2) Shri Abhay Narayan Panpaliya in favour of M/s L.K Construction through its proprietor Shri. Subhash Motiramji Kasulkar registered under Sr. No. 4416 dt. 27/08/2014 with Sub Registrar Nagpur-3

----------Certified/Attested----------

4. Relinquishment Deed executed by Smt. Shakun Madhaorao Gudadhe in favour of 1) Shri Sudhir Madhaorao Gudadhe and 2) Shri.Sachin Madhaorao Gudadhe registerd under Sr.No 5758 DT. 29/09/2012 with Sub-Registrar Nagpur-1

----------Certified/Attested----------



5. N.A order vider order no. RMK 81/NAP 34/2005-06 Dt. 02/06/2006

----------Certified/Attested----------

6. Release Letter dt. 06/11/2012 issued by NIT vide letter no. BE(W)/703 in respect of plot No. R-3 of mouza Jaitala

----------Certified/Attested----------

7. NMC house property Tax receipt no. 10/2015-16/0232672 dt. 23/10/2015 showing house property Tax paid Upto 31/03/2016

----------Certified/Attested----------

8. Building Plan duly Sanctioned and approved by Nagpur Improvement Trust, Nagpur vide building permit No. BE(west)/Case No. AB1649/Tracking No. 201582697/8915/44 dt. 30/01/2016

----------Certified/Attested----------

9. Deed of Declaration executed by M/s L.K Construction register under Sr.No. 4064 DT.28/07/2016 with Sub Registrar Nagpur-4

----------Certified/Attested----------

5.14 Whether the property/ies is/are freehold or leasehold or self occupied or tenanted? If tenanted, Whether the property/ies can be taken as mortgage and what precautions to be taken? :- Freehold and the property/ies can be taken as mortgage.

5.15 If owner is a company, Partnership firm, Trust, Temple, Wakf or other legal persons, how the title is affected by its Memorandum and Articles of Association, Partnership deed, Trust deed or rules or bye laws and what are the precautions to be taken under rules or bye-laws and also how the right to create mortgage is affected by Hindu Religious and Endowments Laws and/or Wakf Deed or Wakf Act, as the case may be. :- NIL

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5.16 If property/ies to be mortgage is/are flat/ apartment in residential or commercial complex, how far independent title is assured and how the enjoyment of common areas and facilities are assured to the flat-owner (mortgagor);what are the documents/records to be taken from builder/owners and their Bankers. :- Residential Flat/Apartment

5.17 Flats owned/ controlled by societies special requirements to be taken if society refuses to note bank lien/interest. :- NIL

5.18 Please state the name of the persons who should join in the creation of mortgage of the property/ies either by deposit of title deeds or by registered mortgage, etc. :- Prospective Purchaser/Buyer

5.19 Any additional documents/precautions required to be taken. :- NIL

6. Investigation under Income Tax Act, 1961 :- Not Applicable

A) Please Investigate whether any action has been initiated by the Tax Recovery officer under section 222.

B) Please also investigate as to Whether the provisions of section 230-A are to be complied with and if so whether the same are complied with. :-

C) Please also advise whether any prior permission of the concerned assessing officer under section 281(1) is required for any transfer (by way of sale, mortgage, gift, exchange or any other mode of transfer whatsoever) of the immovable property/ies.

D) Please also investigation as to whether the provisions of Chapter XX-A and Chapter XX-C have been complied with and whether any transaction under section 269, AB is required and whether any acquisition proceedings under Chapter XX-A and Chapter XX-C have been initiated against the immovable property. If any acquisition proceedings etc. are pending or have been finalized and/ or are pending with the necessary documentary evidence.

E) Finally please also investigate as to whether



any other proceedings under the It Act, 1961 are pending.

7. Search in respect of companies registered under the companies Act, 1956- :- Not Applicable

A) (Please search the Index and the register of charges/file or folder containing forms -13) and provide information on :- Not Applicable

i) charges subsisting on the property/ies and undertaking of the company, and the brief particulars of the documents creating the charge. :- Not Applicable

ii) The dates of creation, nature(mortgage/ hypothecation etc. whether first/second or pari-passu charge) and the extent (i.e. the amount covered) of each charge. :- Not Applicable

iii) the specific property/ies on which any charge subsists. :- Not Applicable

iv) the particulars of each charge, if any, recorded within the previous 6 months :- Not Applicable

v) whether anyreceiver or manager of the company has been appointed under section137 of the Companies Act 1956 :- Not Applicable

vi) whether any debentures have been issued by the company and the nature and value of the charge securing them as well as the details of the property /ies on which such charge has been created. Please obtain certified copies of the relevant documents, also please investigate whether, any from 8/13 alongwith the relevant documents have been received in the ROC"s office which id pending for registration. If so, full particulars thereof should be provided. Further, please verify whether any application is pending with the ROC seeking his condonation of delay for filling the charges. :- Not Applicable

B) Please verify whether any proceedings are pending and or whether any order has been passed/issued U/S. 391 and 394 of the Companies act, 1956. :- Not Applicable

8. Investigation in regard to Agricultural Land :- Not Applicable

a) Whether land is surplus. If so give specific details :- Not Applicable

b) Whether the land is under self-cultivation :- Not Applicable

c) If land is owned in different Khatas or is under joint share, give specific share in each Khata. :- Not Applicable

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d) If consolidation of holdings/requisition proceedings etc. are in progress in the area, whether the transfer of the land is possible under the state enactments. :- Not Applicable

e) Whether any prior/hidden charges exist against the land. Non-encumbrance should be for a period of 13 years preceding the date of this non-encumbrances certificate :- Not Applicable

f) Whether mutation has been completed in case of existing charges /pending charges. :- Not Applicable

g) Inspection of land on the spot in regard to the quality of land (such as irrigated /unirrigated/water logged, etc.) in order to enable the bank to determine its value. :- Not Applicable

h) Whether any Government loan/taccavis/ Co-op loan etc. have been raised against the land, and if so, details about the charges/encumbrances may be specified. :- Not Applicable

9. CERTIFICATE

I have scrutinized the original title deeds intended to be deposited relating to the property/ies to be offered as security by way of equitable mortgage /registered mortgage etc. and that the documents of title referred to above are perfect evidence of title and that if the said documents are deposited and equitable mortgage/registered mortgage etc. is created in the manner required by law, it will satisfy the requirements of creation of equitable mortgage/registered mortgage etc. and
I further certify that:-

1) There are nor prior mortgages/charges whatsoever as could be seen from the encumbrances certificate for the period from 1985 to 2014 pertaining to the immovable property/ies covered by the above said title deeds. :- Not Applicable

2) There are prior mortgages/charges to the extent of _____which are liable to be cleared or satisfied by complying with the following:- :- Not Applicable

3) There are claims from minor/s and his/ their interest in the property/ies is/are to the extent of ----------
(specify the share of minor's with name). :- Not Applicable

4) The undivided share of minor/s is ---------- (specify the share of the minor/s). :- Not Applicable

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5) The property/ies is/are subjects to the payment of Rs. _____(specify the liability that is fastened or could be fastened on the property/ies). :- Not Applicable

6) Provisions of Urban Land (Ceiling & Regulation) Act 1976 are not applicable, permission is obtained. :- Not Applicable

7) Holding/acquisition is in accordance with the provisions of the Land Reform Act. :- Not Applicable

The mortgage if created will be perfect and available to the bank for the liability of the intending borrower,

I, certify that title of L.K Construction in respect of the aforesaid Flat Property is Clear, Marketable and Free from All Sort of Encumbrances as mentioned above however, they can transfer, sale, alienate the said flat property to any prospective Buyer, who shall become the exclusive and absolute owner of the said flat property on payment of entire consideration amount and on execution and registration of sale deed as mentioned above.

8) Our observations/ opinion

1. After execution and registration of Sale Deed in favour of prospective Buyer in the manner as mentioned above he may be requested to get his name recorded and mutated with revenue authority and also with civic authority
2. Lien/mortgage/ charge of Banks is to be noted with the concerned revenue authority in respect of mortgage property certified extract of the Property Card/ Akhiv Patrika bearing the endorsement of charge / lien of the bank may also be obtained in order to ensure that the charge/ mortgage of the bank in respect of the mortgage property has been noted with the concerned Revenue Authority.
3. Particular of creation of Security interest by way of mortgage/ charge/ hypothecation /assignment is required to be filed with central Registrar within 30 days after the date of such creation of security in pursuit of the provisions of Section 23 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



4. Notice of **Intimation** in respect of the mortgage created against the immovable property is required to be filed with concerned sub-registrar within the stipulated period of 30 days as required under amended Registration Act, 1908 in its application to the State of Maharashtra.
5. Intimation may be given to the association formed under Maharashtra Apartment Ownership Act, 1970 in respect of the mortgage created in favour of the Bank.
6. Occupation /Completion certificate may be obtained from NIT in due course to the effect that building is completed in all respect and is fit for Human Habitation .

On compliance of the aforesaid formalities. the mortgage that may be created shall constitute as secured assets which shall be enforceable at the **COURT OF LAW DRT/DRAT and also under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.**

Nagpur
Dated : 26/08/2014



Yours faithfully,
For K.K. Gahanwar & Co.

(K.K. Gahanwar)
Advocate