

Kailash Chandra Sharma

B.Sc., M.A., L.L.B., CAIIB

Advocate

In Front of Oath Commissioners' Pool,

District & Sessions Court, Agra

Office/Chamber :-

UG-29, Anna Ikon Complex,

Near Hans Satsang Mandir,

Sikandra-Bodla Road,

Agra-282007 (U.P.)

(M) : 9358510461, 7351029977

Date : 07.07.2022

To,

**The Presiding Officer,
Real Estate Regulatory Authority,
Navin Bhawan, Rajya Niyojan Sansthan,
Kala Kankar House, Old Hyderabad
Lucknow.**

Subject : Title Opinion / Legal Scrutiny Report in respect of residential property / project, measuring 2.576 hectare covered under Khasra no. 217 situated at Vishwakarma Carnival (Old name Vishwakarma Vihar Phase II), mauja Dehtora, Lohamandi Ward, Tehsil & District Agra owned by M/s Brijesh Sehkari Avas Samiti Ltd., Agra having secretary Shri Rakesh Kumar Gupta (Title holders)

On request of the secretary M/s Brijesh Sehkari Avas Samiti Ltd., Agra, I submit herewith the legal scrutiny report of above project for your kind perusal and consideration :-

1.	Description and area of the property proposed to be mortgaged. Specific number (s) and address of property along with boundaries and measurements.	Residential property / project, measuring 2.576 hectare covered under Khasra no. 217 situated at Vishwakarma Carnival (Old name Vishwakarma Vihar Phase II), mauja Dehtora, Lohamandi Ward, Tehsil & District Agra. Boundaries:- Not specified in sale deed.
2.	Nature of Property (Whether Agricultural, Non-Agricultural, Commercial, Residential, Industrial. If Non-Agricultural, the reference and date of conversion order from Competent Authority should also be mentioned).	It is a residential property / project.
3.	Name of the Mortgagor / Owner and status in the Account i.e. Borrower or Guarantor and whether individual. Sole Proprietor, Partner, Director, Karta or Trustee. In case the Mortgagor is Partner/Director/Trustee. In case the Mortgagor is Partner/ Trustee/Director who is mortgaging the property on behalf of partnership/company/trust, whether he/she has the authority. Copy of the Resolution / Memorandum and Articles of the Association/Trust Deed etc. whether examined and verified.	M/s Brijesh Sehkari Avas Samiti Ltd., Agra having secretary Shri Rakesh Kumar Gupta are the owners / mortgagors of the subject property / project.
4.	Whether any minor, lunatic or un-discharged insolvent is involved. Confirm that the	No. Minor, lunatic or undischarged insolvent is not involved. The proposed mortgagor will have sufficient capacity to contract after



Kailash Chandra Sharma

Advocate

Distt. & Sessions Court, Agra

	Mortgagor has sufficient capacity to contract. Precautionary steps to be taken.	execution and registration of a fresh sale deed in his favour.
5.	Whether the property is freehold or leasehold. If leasehold then period of lease and if freehold whether Urban Land Ceiling Act applies and permissions to be obtained.	Freehold with ownership rights. Urban Ceiling Act does not apply.
6.	Source of the Property i.e. Self acquired or Ancestral. If Ancestral then mode of succession and whether Original Will / Probate is available.	Self acquired by M/s Brijesh Sehkari Avas Samiti Ltd., Agra vide sale deed dated 11.09.2003 registered with sub registrar, Agra on 11.09.2003 at Bahi no. 1, Jild no. 3864, Pages 107 to 176 no. 5061
7.	Whether the Mortgagor is Co-owner/Joint owner and or any partition of the property is made between the members of the family through Family Deed. If yes, whether Original Registered Partition Deed is available or it is only a family settlement.	M/s Brijesh Sehkari Avas Samiti Ltd., Agra are the owners of the subject property / project and they are legally competent to create its equitable mortgage.
8.	Whether the Mortgagor is in exclusive possession of the property or it is Leased/Rented out to Third Party.	Yes. The society is in sole exclusive possession of the subject property / project.
9.	Whether the Property is mutated in Municipal / Revenue records and Mortgagor's name is reflecting and if not, the reason thereof.	Not applicable at present as the process of handing over the area / project to Agra Nagar Nigam, has not been completed by Agra Nagar Nigam.
10.	Whether any restriction for creation of Mortgage is imposed under Central/State/Local Laws. If yes, then specify whose consent or permission would be required for creation of mortgage.	No.
11.	Whether all the Original Title Deeds including antecedent Title Deeds and other relevant documents are available. Please give detailed lists.	Yes. Original sale deed dated 11.09.2003 registered with sub registrar, Agra on 11.09.2003 at Bahi no. 1, Jild no. 3864, Pages 107 to 176 no. 5061 is available.
12.	Whether the Advocate has personally visited the Sub – Registrar/ Revenue/Municipal Office and examined the records.	Yes. I personally visited sub registrar's office, Agra and examined the records.
13.	Whether the Search is being made for the period of 30 years. If no, reasons thereof.	Yes. Search has been made for 30 years from 05.07.1992 to 04.07.2022. Receipt nos. 60 dated 05.07.2022 for Rs. 100/- and receipt no. 2022002013235 dated 05.07.2022 for Rs. 100/- are enclosed.

14. **Details of Documents studied / scrutinized (this should be in chronological order with serial numbers, type/nature of document, date of execution, parties, date of registration details including the details of revenue / society records etc.)**

Sl. No.	Type/Nature of Document	Date of Execution	No. & Date of Registration/Lien	Parties
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Kailash Chandra Sharma
 Advocate
 Distt. & Sessions Court, Agra

			revenue records/builder's record/society's records	
1.	Khatauni no. 00166 F.Y. 1425 to 1430, Mauja Dehtora, Tehsil & District Agra	Online	Record maintained with Tehsil Sadar, Agra.	Reflecting khasra no. 217 (1246900217000012) measuring 2.5760 hectare in the name of M/s Brijesh Sehkari Avas Samiti Ltd., Agra having secretary Shri Surendra Kumar S/o Brijesh Gupta and showing order of SDM, Agra passed in case no. 136 / 18.05.2004 declaring the entire land measuring 2.5760 hectares as non agricultural land U/s 143 of The U.P.Z.A. & L.R. Act.
2.	Sale deed (Original seen)	11.09.2003	Registered with sub registrar, Agra on 11.09.2003 at bahi no. I, Jild no. 3864, pages 107 to 176 on no. 5061.	Executed by : Bhoop Singh, Lohrey Singh, Manik Chand @ Nanik Chand, Bhagwan Singh sons of Late Narain Singh and Viri Singh S/o Ram Phal R/o village Dehtora, Tehsil & District Agra in favour of M/s Brijesh Sehkari Avas Samiti Ltd., Agra.
3.	Layout plan of Vishwakarma Carnival (Old name Vishwakarma Vihar Phase II) (Original seen)	25.06.2022	Record maintained with Agra Development Authority.	Layout of project sanctioned by Agra Development Authority vide file no. ADA/ LD/22/23/0489 sanctioned on 26.06.2022 having validity till 25.06.2027

15.	<p>Tracing of chain of title in favour of Owners of the property starting from the earliest document available. The nature of document/Deed conveying the title should be mentioned descriptions of Parties along with the type of right it creates.</p> <p>On scrutiny of available documents and inspection of records at Tehsil Sadar, Agra and Sub Registrar's office, Agra, the following observations have been noted :-</p> <p>1. Initially, land measuring 2.576 hectare covered under khasra no. 217, mauja Dehtora, Tehsil & District Agra was owned by Bhoop Singh, Lohrey Singh, Manik Chand alias Nanik Chand and Bhagwan Singh S/o Late Narayan Singh and Veeri Singh S/o Ramphal residents of Village Dehtora, Tehsil & District Agra, prior to 1992 in the capacity of Sankramaniya Bhoomidhar whol sold it to M/s Brijesh Sehkari Avas Samiti Ltd., Agra (Regd. No. 3025 / 17.10.2002 having secretary Shri Surendra Kumar Gupta S/o Brijesh Chand Gupta R/o Bodla Chauraha, Agra) vide sale deed dated 11.09.2003 registered with sub registrar, Agra on 11.09.2003 at Bahi no. I, Jild no. 3864, Pages 107 to 176 no. 5061. The name of said society has been mutated in Revenue Record and the entire land measuring 2.576 hectare has been converted / declared as non agricultural land U/s 143 of The U.P.Z.A. & L.R. Act vide order of SDM, Agra in Suit No. 136 dated 8.05.2004.</p> <p>The society then, developed the entire land for residential purposes in accordance with the layout plan of Agra Development Authority passed by file no. ADA/LD/22/23/0489 dated</p>
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Kailash Chandra Sharma
Advocate
Distt. & Sessions Court, Agra

	<p>26.06.2022 having its validity till 25.06.2027 vide file no. ADA/LD/22/23/00489 dated 26.06.2022.</p> <p>Thus, M/s Brijesh Sehkar Avas Samiti Ltd., Agra are the lawful owners in possession of the said property / project with good marketable title and they are legally capable to create its equitable mortgage and sale the various plots of residential plots / houses / flats to various customers in favour of the bank.</p>	
16.	Whether there is any doubt/suspicion about the genuineness of the original documents. If yes, then specify.	No.
17.	The final certificate of the Advocate confirming that title of the property (s) to be mortgaged is examined by him and the same is / are clear and marketable.	<ol style="list-style-type: none">1. In pursuance of the aforesaid examination and on the basis of records at Tehsil Sadar, Agra and sub registrar's office, Agra on 05.07.2022, it is observed that residential property, measuring 2.576 hectare covered under Khasra no. 217 situated at Vishwakarma Carnival (Old name Vishwakarma Vihar Phase II), mauja Dehthora, Lohamandi Ward, Tehsil & District Agra is free from encumbrances, charges and is clear, unambiguous, marketable and saleable.2. There is no prior mortgage charge in index registers of sub registrar, Agra from 05.07.1992 to 04.07.2022.3. The mortgage of property, if created by the society or purchasers of the residential plots / houses will be acceptable in the eyes of law.4. The SARFAESI Act 2002 with upto date amendments is enforceable on the said property / land.<ol style="list-style-type: none">(a) There is no prior registered mortgage / charge on the said property from 05.07.1992 to 04.07.2022.(b) There is no minor's claim on the property(c) The property is not subject to any other liability.(d) The mortgage if created, will be perfect for the liability of the intending borrowers/ purchasers.(e) The aforesaid property / land is not affected by the provisions of Urban Land (Ceiling and Regulation) Act 1976 and Land Acquisition Act 1894 and hence, there is no bar or restriction under any act / rule / regulation.(f) There is no doubt / suspicion to the genuineness of existing documents / deeds which are duly stamped and registered.
18.	List of documents to be deposited for creation of mortgage by the Mortgagor including any addition document required in addition to the document available.	(A) The following documents are required, in case the property is mortgaged by the society. <ol style="list-style-type: none">(1) Copy of khatauni no. 00166 F.Y. 1425 to 1430 mauja Dehthora, Tehsil & District Agra.


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Distt. & Sessions Court, Agra

		<p>(2) Original sale deed no. 5061 registered with sub registrar on 11.09.2003 in favour of M/s Brijesh Sehkari Avas Samiti Ltd..</p> <p>(3) Approved layout plan of Agra Development Authority passed by file no. ADA/LD/22/23/0489 dated 26.06.2022</p> <p>(B) The following document will be required by the purchasers for creating equitable mortgage.</p> <p>(1) Copies of all documents as detailed on point no. 18 (A).</p> <p>(2) Allotment letter to be issued by society to the intending purchasers.</p> <p>(3) Agreement to Sale to be executed by M/s Brijesh Sehkari Avas Samiti Ltd., Agra in the capacity of seller and intending purchasers.</p>
18C.	<p>Supplementary Informations</p> <p>1. Minor/s interest is involved. Not applicable.</p> <p>2. Transfer of Property through gift deed executed by any period of tracing title. Not applicable.</p> <p>3. Partition issue at any point of time during tracing period for the title of property. Not applicable.</p> <p>4. For the purpose of project approvals. Not applicable.</p> <p>5. In properties, where advocates prima facie find any litigation in the property. Not applicable.</p> <p>6. In case the legal opinion / NEC is to be obtained for open land/plot. Not applicable.</p> <p>7. In case of housing loans where properties fall into the specific categories like POA/Gift Deed/ Partition/Lease/Will. Not applicable.</p> <p>8. Villa project excluding resale in these villa projects of independent flat/villa with 5 years vintage from 1st sale. Not applicable.</p> <p>9. Mortgage based retail loans above Rs. 1 Crore. Not applicable.</p> <p>10. If the flow of title is not clear or in the event of any ambiguity about the title after search for 13 years, in such cases title search for 30 years to be obtained specifying the reason for the same. Not applicable.</p>	
19.	<p>Whether the provision of Securitisation Act 2002 is applicable over the property in question</p>	<p>Yes, SARFAESI Act, 2002 with uptodate amendments is enforceable on the property.</p>
20.	<p>Whether any additional formalities to be completed by the proposed Mortgagor. If yes, state specifically in case of flat (s) / property (s) in Co-Operative Society, whether allotment letter, share certificate, affidavit, power of attorney is required.</p>	<p>None.</p>



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Opinion

In the light of legal scrutiny report / investigation of project / property, the request of M/s Brijesh Sehkarı Avas Samiti Ltd. for registration of the project with Real Estate Regulatory Authority, Lucknow may be considered.



Kailash Chandra Sharma,
Panel Advocate
(BOB & Indian Bank)
Registration No. 06903/2011
With Bar Council of Uttar Pradesh
Registration No. COP/2018/290574
With Bar Council of India

Encls. : As detailed above.

C.C. : The secretary M/s Brijesh Sehkarı Avas Samiti Ltd., Agra.

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Distt. & Sessions Court, Agra