11274/2013

11698/2013

भारतीय गैर न्यायिक

एक सौ रुपये Rs. 100

रु. 100 ONE HUNDRED RUPEES

सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

পশ্চিমবঙ্গ पश्चिम बंगाल WEST BENGAL P 783068

Certified that the Document is admitted to Registration. The Signature Sheet and the endorsement sheets attached to this document are the part of this Document.

Additional Registrar of Assurances II Kolkata

Additional Registrar of Assurances-II, Kolkata

DEED OF CONVEYANCE

This deed of conveyance made this the 16th day of the month of August, 2013 between PRAFULLA CHANDRA MUKHERJEE son of late Ajit Kumar Mukherjee by faith - Hindu and by occupation – business of 27, Gokul Boral Street under Police Station – Muchipara, Kolkata – 700012 and presently residing at village – Manasapota, Post Office – Simurali, Police Station – Chakdah, District – Nadia being THE EXECUTOR to the last will and testament of her mother Bela Rani Mukherjee, since deceased dated 7th October, 2010, hereinafter referred to as the VENDOR (which expression unless repugnant to the context shall mean to include his legal heirs, heiresses, legal representatives, executors and administrators) of the FIRST PART

AND

FISTA CONSTRUCTION PVT. LTD.

Director

Government Of West Bengal

Office Of the A.R.A. - II KOLKATA
District:-Kolkata

Endorsement For Deed Number : I - 11698 of 2013

(Serial No. 11274 of 2013 and Query No. 1902L000026312 of 2013)

On 16/08/2013

Certificate of Admissibility(Rule 43,W.B. Registration Rules 1962)

Admissible under rule 21 of West Bengal Registration Rule, 1962 duly stamped under schedule 1A, Article number : 23, 5 of Indian Stamp Act 1899.

Registration Fees paid Online using Government Receipt Portal System (GRIPS), Finance Department, Govt. of WB

Registration Fees Rs. 1,93,548/- paid online on 14/08/2013 3:24AM with Govt. Ref. No. 192013140002876882 on 13/08/2013 2:20PM, Bank: Indian Overseas Bank, Bank Ref. No. 201308140001193 on 14/08/2013 3:24AM, Head of Account: 0030-03-104-001-16, Query No:1902L000026312/2013

Certificate of Market Value(WB PUVI rules of 2001)

Certified that the market value of this property which is the subject matter of the deed has been assessed at Rs.-1,75,94,700/-

Certified that the required stamp duty of this document is Rs.- 1231649 /- and the Stamp duty paid as: Impresive Rs.- 100/-

Stamp Duty paid Online using Government Receipt Portal System (GRIPS), Finance Department, Govt. of WB

Stamp duty Rs. 12,31,649/- paid online on 14/08/2013 3:24AM with Govt. Ref. No. 192013140002876882 on 13/08/2013 2:20PM, Bank: Indian Overseas Bank, Bank Ref. No. 201308140001193 on 14/08/2013 3:24AM, Head of Account: 0030-02-103-003-02, Query No:1902L000026312/2013

Presentation(Under Section 52 & Rule 22A(3) 46(1),W.B. Registration Rules,1962)

Presented for registration at 13.37 hrs on :16/08/2013, at the Office of the A.R.A. - II KOLKATA by Mr Syed Asgar Hossain ,Claimant.

Admission of Execution(Under Section 58,W.B.Registration Rules,1962)

Execution is admitted on 16/08/2013 by

1. Prafulla Chandra Mukherjee, son of Late Ajit Kumar Mukherjee , 27, Gokul Boral Street, Kol, Thana:-Muchipara, District:-Kolkata, WEST BENGAL, India, Pin :-700012, By Caste Hindu, By Profession : Business

2. Mr Syed Asgar Hossain
   Director, M/s Fista Construction Pvt Ltd, 18, Deedar Bux Lane, Kol, Thana:-Taltola, District:-Kolkata, WEST BENGAL, India, Pin :-700016.
   , By Profession : Business

(Dulal chandraSaha)
ADDL. REGISTRAR OF ASSURANCES-II

16/08/2013 17:15:00

FISTA CONSTRUCTION PVT. LTD.

Director

Government Of West Bengal

Office Of the A.R.A. - II KOLKATA
District:-Kolkata

Endorsement For Deed Number : I - 11698 of 2013

(Serial No. 11274 of 2013 and Query No. 1902L000026312 of 2013)

Identified By Tapas Kumar Manna, son of - , 4, Kiron Sankar Roy Road(Hastings Street), Kol, District:-Kolkata, WEST BENGAL, India, Pin :-700001, By Caste: Hindu, By Profession: Advocate.

(Dulal chandra Saha)
ADDL. REGISTRAR OF ASSURANCES-II

FISTA CONSTRUCTION PVT. LTD.

Director

(Dulal chandraSaha)
ADDL. REGISTRAR OF ASSURANCES-II

Govt. of West Bengal
Directorate of Registration & Stamp Revenue
eChallan

GRN:	19-201314-000287688-2	Payment Mode	Counter Payment
GRN Date:	13/08/2013 14:20:47	Bank :	Indian Overseas Bank
BRN :	201308140001193	BRN Date:	14/08/2013 03:24:35

DEPOSITOR'S DETAILS

Id No. : 1902L000026312/1/2013
[Query No./*/Query Year]

Name :	FISTA CONSTRUCTION PVT LTD		
Contact No. :	9830066292	Mobile No. :	+91 9831609373
E-mail :	zeddconstruction@yahoo.co.in		
Address :	18 DEEDAR BUX LANE KOLKATA-700 016		
Applicant Name :	Tapas Kumar Manna		
Office Name :	A.R.A. - II KOLKATA, Kolkata		
Office Address :			
Status of Depositor :	Buyer/Claimants		
Purpose of payment / Remarks :	Requisition Form Filled in Registration Office		

PAYMENT DETAILS

Sl. No.	Identification No.	Head of A/C Description	Head of A/C	Amount[₹]
1	1902L000026312/1/2013	Property Registration- Stamp duty	0030-02-103-003-02	1231649
2	1902L000026312/1/2013	Property Registration- Registration Fees	0030-03-104-001-16	193548
			Total	1425197

In Words : Rupees Fourteen Lakh Twenty Five Thousand One Hundred Ninety Seven only

FISTA CONSTRUCTION PVT. LTD.
Director

M/S **FISTA CONSTRUCTION PRIVATE LIMITED** a company incorporated under the Indian Companies Act, 1956 having it's registered address at 18, Deedar Bux Lane, under Police Station – Taltala, Kolkata – 700016 represented by it's one of the directors namely Mr. **SYED ASGAR HOSSAIN** son of late Syed Moazzam Hossain by faith – Muslim by occupation –business resident of 18, Deedar Bux Lane, under P.S. – Taltala, Kolkata – 700016 for the purpose of execution of this deed, hereinafter referred to as the **PURCHASER** (which expression unless repugnant to the context shall mean to include the legal transferees, legal representatives, successors in office etc.) of the SECOND PART

Whereas the premises No. 27, Gokul Boral Street situates within the limit of Police Station – Muchipara, Kolkata – 700012 being an old dilapidated scattered house, major portion under occupancy of tenants, containing an area of land measuring 8 cottahs and 8 chittacks, particularly and fully described in the FIRST SCHEDULE of property hereinafter and hereinafter referred as "the said property" belonged to one Bimala Bala Debi, since deceased wife of late Nrisingha Banerjee by purchase through a deed of conveyance being deed No. 850 dated 21st March, 1941 registered in the office of Registrar of Assurances, Calcutta

And whereas Bimala Bala Debi died intestate on 21st day of December, 1972 leaving behind her only daughter Bela Rani Mukherjee and the right, title and interest of Bimala Bala Debi in the said property devolved upon her only daughter Bela Rani Mukherjee wife of Ajit Kumar Mukherjee, since deceased

And whereas said Bela Rani Mukherjee had five sons and three daughters and her husband Ajit Kumar Mukherjee predeceased in the year 1967

And whereas Bela Rani Mukherjee by executing a deed of gift dated 19th November, 2004 registered before learned Additional Registrar of Assurances

FISTA CONSTRUCTION PVT. LTD.

Director

Kolkata gifted, transferred and conveyed the said property to her two sons Pratap Chandra Mukherjee and Prafulla Chandra Mukherjee

And whereas by said deed of gift said Pratap Chandra Mukherjee and Prafulla Chandra Mukherjee became absolute joint owners in respect of the said property having each undivided ½ share therein

And whereas said Pratap Chandra Mukherjee died intestate on 5th January, 2009 as bachelor and upon death of the said Pratap Chandra Mukherjee his undivided ½ share in the said property devolved upon and went back to his mother Bela Rani Mukherjee as first class legal heiress according to Hindu Succession Act, 1956

And whereas upon death of said Pratap Chandra Mukherjee, his mother Bela Rani Mukherjee and Prafulla Chandra Mukherjee became joint owners in respect of the said property having each undivided ½ share therein

And whereas subsequently Bela Rani Mukherjee, since deceased and her son and other co-sharer of the said property Prafulla Chandra Mukherjee, the Vendor herein jointly entered into and executed an agreement for sale dated 4th February, 2010 with the purchaser for the absolute sale of the said property mentioned in the FIRST SCHEDULE hereunder written for a total consideration of Rs. 52,00,000.00 (fifty two lacs) free from all encumbrances and the purchaser paid a sum of Rs. 15,00,000.00 (fifteen lacs) as earnest money and the part payment against the said consideration money to the said owners upon their signatures subscribed in the said agreement and the memorandum of consideration

And whereas said Bela Rani Mukherjee executed and published her last will and testament on the 7th October, 2010 bequeathing her undivided ½ share of and in the said property to and in favour of her youngest son the said

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Director

Prafulla Chandra Mukherjee only and appointed said Prafulla Chandra Mukherjee the sole executor to the said will

And whereas said Bela Rani Mukherjee died testate on 5th December, 2010 leaving behind following legal heirs and heiresses :

1. Biduyt Chandra Mukherjee .... son
2. Prafulla Chandra Mukherjee .... son the hereinnamed Vendor
3. Swapna Chatterjee .... married daughter and widow of late Kashinath Chatterjee
4. Kaushik Mukherjee .... son of predeceased son Kalyan Chandra Mukherjee
5. Reba Mukherjee .... widow of predeceased son Kalyan Chandra Mukherjee
6. Saswati Banerjee .... married daughter of predeceased son Kalyan Chandra Mukherjee and wife of Krishnendu Banerjee
7. Swapan Banerjee .... son of predeceased daughter Sibani Banerjee
8. Shyamali Mukherjee .... widow of predeceased son Nirmal Chandra Mukherjee
9. Soumya Mukherjee .... son of predeceased son Nirmal Chandra Mukherjee
10. Soma Chakraborty .... married daughter of predeceased son Nirmal Chandra Mukherjee
11. Ruma Mukherjee .... married daughter of predeceased son Nirmal Chandra Mukherjee and wife of Bikash Mukherjee
12. Bharat Priya Banerjee .... husband of predeceased daughter Sreeparna Banerjee
13. Anirban Banerjee .... son of predeceased daughter Sreeparna Banerjee and Bharat Priya Banerjee

FISTA CONSTRUCTION PVT. LTD.

Director

And whereas after death of said Bela Rani Mukherjee, her youngest son Prafulla Chandra Mukherjee, the hereinnamed vendor applied for grant of probate of the said last will of Bela Rani Mukherjee before the learned Chief Judge, City Civil Court at Calcutta as executor to the will and the same has been registered as the Probate Case No. 60 of 2011 and is pending in Court

And whereas the said property is in a dilapidated condition and most of the heirs/heiresses of Bela Rani Mukherjee are not residing there and shifted elsewhere due to damaged condition of the property and the executor and the beneficiary of the will also are not presently residing in the said property

And whereas the said deceased testatrix Bela Rani Mukherjee during her life time entered into the aforesaid agreement for sale and took the portion of the earnest money but unfortunately she could not get the fruit of the agreement who died before completion of transaction and the will was executed only in respect of the undivided half share of and in the said property, giving all power and right to the executor for enjoying, alienating and disposing her undivided ½ share in the said property as fully and particularly decsribed in the second schedule in this deed and no restriction as of selling her said share in the said property was imposed in the said will

And whereas the said property is in dilapidated condition and has almost lost its utility and previously a notice was also issued by the Kolkata Municipal Corporation upon the said Bela Rani Mukherjee asking her to secure and strengthen the said property

And whereas the deceased testatrix had full intention to sell the said property and accordingly she entered into the said agreement for sale jointly with the other co-sharer Prafulla Chandra Mukherjee

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Director

And whereas to give effect to the obligations ought to have been observed by the Testatrix and for legal necessity and to avoid practical complications and over all to honour the testatrix's intention the executor/vendor as advised has taken the liberty to sell the undivided ½ share of the deceased Bela Rani Mukherjee in the said property as executor to her said last will dated 7th October, 2010 under probate in accordance with section 307 sub-section (1) of the Indian Succession Act, 1925

And whereas the executor/vendor understands that as per section 307 sub-section (1) of the Indian Succession Act, 1925 an executor or administrator is empowered with wide powers to dispose of the property of the deceased testatrix vested in him under section 211 either wholly or in part, in such manner as he may think fit subject to the restriction against alienation imposed in sub-section (2) of said section and such power is not subject to grant of probate i.e. the sale can be executed by the executor pending probate proceedings in absence of any restriction against alienation contained in the will

And whereas upon the death of testatrix her undivided ½ share of and in the said property vested upon the executor in consonance with the directions mentioned in the said WILL and there is no restriction in the will in this present case against alienation of the said property, rather the testatrix expressed her free consent in favour of alienation, transfer or sale of the said property by the executor/beneficiary/vendor Sri Prafulla Chandra Mukherjee, therefore, the intended sale by these presents would not any way go against the direction mentioned in the said last will and testament of the deceased testatrix nor it would frustrate the will and the probate proceedings as well and as such the vendor is fully and lawfully entitled and empowered to sell the undivided ½ share of the deceased Bela Rani Mukherjee in the said property in the capacity as the sole executor of the said last will of Bela Rani Mukherjee, since deceased

FISTA CONSTRUCTION PVT. LTD.
Director

And whereas the executor is the sole beneficiary under the will in respect of the said property described in the SECOND SCHEDULE of property written hereinafter, and he has also no objection in personal capacity to this sale

And whereas the executor being aged about 70 years and suffering from various illnesses and has become feeble as such

And whereas the citations were issued to the heirs/heiresses of the deceased Bela Rani Mukherjee in the said Probate Case and whereas the process has not been completed till date, but no written objection has been put against the application for grant of probate by any of the heirs/heiresses of the said deceased testatrix till date and it appears that it would take much time to obtain grant of probate whereby it is reasonably apprehended that the intention of the testatrix for selling her undivided ½ (half) share of and in the said property would be frustrated for the inordinate delay due to the process of law and also for ill health of the executor/beneficiary

And the purchaser has called upon the vendor as executor as aforesaid to grant, sale and convey unto it the said one half share of and in the said property for the purpose of giving effect to the said agreement for sale dated 4th January, 2010 at the earliest or to refund the earnest money with interest for the reasons of various inconveniences including that the expenses relating to registration of deed of conveyance is increasing day by day

And whereas it is also impossible for the executor/vendor to return the earnest money taken by the deceased testatrix as the said money was spent by the deceased during her life time and at the same time the property is in dilapidated condition and may at any time collapse causing injury to the residents of the said property and other neighboring residents/people

FISTA CONSTRUCTION PVT. LTD.

Director