

Chinmay Sarkar

Advocate

Siliguri Bar Association
Room No.6

Residence Cum Chamber
Beside Rathkhola Math,
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98320-63484 (Mob.)
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E-Mail – csarkar004@gmail.com

Ref :

Date: 08.04.2023

TITLE INVESTIGATION REPORT

Dear Sir,

Re: Title Opinion on the property Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Bearing Holding No. 10/185/248/209, Registry office at Additional District Sub-Registrar Siliguri, Within the jurisdiction of P.S. Siliguri, District Darjeeling.

With reference to your letter No. dated, I on the basis of the original title deeds forwarded to me pertaining to the said immovable property and the other information submitted by you, have conducted a detailed search and investigation and submit my report as under:-

1. **Name(s) and Address(es) of the Mortgagor(s)/Title holder(s) :-**

(1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak.

2. **Title Deeds in original seen by me :-**

- i) Photocopy of Development Agreement being No. I-2625 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89319 to 89352 registered at the office of the Additional District Sub-Registrar Siliguri, executed between (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak (Owners) along with PRIME BUILDERS, a Proprietorship Firm, represented by of its Proprietor namely Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee (Developer).
- ii) Photocopy of General Power of Attorney after Development Agreement being No. I-2627 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89353 to 89372 registered at the office of the Additional District Sub-Registrar Siliguri, in favour of Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee, proprietor of PRIME BUILDERS, a Proprietorship Firm.
- iii) Photocopy of Deed of Gift being No. I-2464 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 84226 to 84250 and the same was registered at the office of the Additional District Sub-Registrar Siliguri, in the name of Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury.
- iv) Photocopy of Deed of Gift being No. I-2604 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 88365 to 88385 and the same was registered at the office of the Additional District Sub-Registrar Siliguri, in the name of Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee.
- v) Photocopy of Deed of Partition being No. I-2168 for the year of 1976 recorded in Book No. I Volume No. 40 Pages from 146 to 159 and the same was registered at the office of the then Sub-Registrar Siliguri, executed between (1) Sri Birendra Nath Roy Sarkar, Son of Late Babulal Roy Sarkar, (2) Sri Digendra Nath Roy Sarkar, Son of Late Babulal Roy Sarkar.
- vi) Photocopy of General Power of Attorney being No. IV-40 for the year of 1981 recorded in Book No. IV Volume No. 3 Pages from 201 to 205 and the same was registered at the office of the then Sub-Registrar Siliguri, in favour of (1) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar, (2)



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- Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar.
- vii) Photocopy of R.S. Khatian No. 992 in the name of (1) Sri Birendra Nath Ray Sarkar, Son of Late Babulal Roy Sarkar, (2) Sri Digendra Nath Ray Sarkar, Son of Late Babulal Roy Sarkar.
- viii) Photocopy of Legal Heirs Affidavit of Rabindra Nath Ray Sarkar & Smt. Bithi Ray Sarkar from the Ld. Executive Magistrate at Siliguri.
- ix) Photocopy of Legal Heirs Affidavit of Birendra Nath Roy Sarkar from the Ld. Executive Magistrate at Siliguri.
- x) Photocopy of Legal Heirs Affidavit of Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar from the Ld. Executive Magistrate at Siliguri.
- xi) Photocopy of L.R. Khatian Nos. 1385, 1384, 1386, 1383, 1382, 1381 & 1380 in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar, (5) Sri Rabindra Nath Ray Sarkar, (6) Sri Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar, (7) Sri Dheeren Ray Sarkar, all are sons of Late Birendra Nath Ray Sarkar.
- xii) Photocopy of Land khazna Dakhila being No. L&LR SBP M 8575335 in the name of Sri Pradip Ray Sarkar & Others.
- xiii) Photocopy of Holding Tax Receipt vide No. 4133 in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak.
- xiv) Photocopy of Sanctioned Building Plan vide No. 601 duly approved by Siliguri Municipal Corporation, in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak.

3. Description of immovable property/ies :-

Item No.	Survey No.	Extent Areas (in acres/hectares)	Location.	Boundary
	Recorded in R.S. Khatian No. 992, corresponding to L.R. Khatian Nos. 1385, 1384, 1386, 1383, 1382, 1381 & 1380, appertaining to R.S. Plot No. 7209,	All that piece or parcel of Land measuring 0.29 Acre.	Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Bearing Holding No. 10/185/248/209, Registry office at Additional District Sub-Registrar Siliguri, Within the jurisdiction of P.S. Siliguri, District Darjeeling.	The said land where the building stands is butted and bounded by North : Partly Malancha Apartment and partly 17 Ft. Wide Common Private Road, by South : 18'-5" Ft. Wide S.M.C. Road known as Neli Sengupta Sarani, by East : 30 Ft. S.M.C.

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	corresponding to L.R. Plot No. 2734/2829.		Road known as Neli Sengupta Sarani, by West : 5'-3" Ft. Wide Passage.
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4. Search in Sub-Registrar's Office:-

(i) Location of Property:

(The particulars of the sub-district within which the property is located and the Address of the registering officer. In case the property is situated in more than one sub-district/district, the particulars of all the concerned sub-districts/districts and address of the registering offices to be given).

The said property is located at Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Bearing Holding No. 10/185/248/209, Registry office at Additional District Sub-Registrar Siliguri, Within the jurisdiction of P.S. Siliguri, District Darjeeling.

(ii) Investigation, flow/tracing of Title and search :-

(The search in the records such as Index No. 1, Index No. 2, Book No. 1/Supplementary Book No. 1 should be made for the past 30 years to trace any encumbrance is created on the property. A narration of the root and chain of title at least for 30 years and how the title is conferred on the mortgagor should be given. The details of the books/ indexes searched by Advocate to be started. In the event of any break in the chain of title or in case of any mortgage, charge or encumbrance subsists over the property, the details thereof specifying how the break in the chain of title took place to be stated).

From the documents produced before me and after scrutinized the documents it appears that (1) Sri Birendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, (2) Sri Digendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, was the absolute recorded owner of land measuring 0.65 Acre, recorded in R.S. Khatian No. 992, appertaining to R.S. Plot No. 7209, Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area, Within the jurisdiction of P.S. Siliguri, District Darjeeling, and the record was published on the year of 1958 during the Revisional Settlement Survey held by the Government of State of West Bengal, since then in their actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said (1) Sri Birendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, (2) Sri Digendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, executed a registered Deed of Partition being No. I-2168 for the year of 1976 recorded in Book No. I Volume No. 40 Pages from 146 to 159 and the same was registered at the office of the then Sub-Registrar Siliguri, and whereby said Sri Birendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, acquired the Land measuring 0.65 Acre, recorded in R.S. Khatian No. 992, appertaining to R.S. Plot No. 7209, Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area, Within the jurisdiction of P.S. Siliguri, District Darjeeling & other plots of landed property, and said Sri Digendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, acquired other plots of landed property, since then in their actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said Birendra Nath Ray Sarkar, Son of Late Babulal Ray Sarkar, died on 06.02.1984 and his wife namely Smt. Santi Ray Sarkar, also died on 03.08.1986 intestate leaving behind their four sons namely (1) Sri Pradip Ray Sarkar, (2) Sri Rabindra Nath Ray Sarkar, (3) Sri Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar, (4) Sri Dheeren Ray Sarkar, all are sons of Late Birendra Nath Ray Sarkar, and three daughters namely (5) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (6) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (7) Miss Bithi Ray Sarkar, Daughter



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Late Birendra Nath Ray Sarkar, as his only Legal heirs and successors as per provision of Hindu Succession Act, 1956. Accordingly by virtue of inheritance the above named legal heirs became the joint owners of aforesaid Land measuring 0.65 Acre, each having 1/7th share of the said property, since then in their khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas during the Settlement Survey held by the Government of State of West Bengal said (1) Sri Pradip Ray Sarkar, (2) Sri Rabindra Nath Ray Sarkar, (3) Sri Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar, (4) Sri Dheeren Ray Sarkar, all are sons of Late Birendra Nath Ray Sarkar, (5) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (6) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (7) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar's has been published under L.R. Khatian Nos. 1385, 1384, 1386, 1383, 1382, 1381 & 1380, Bearing L.R. Plot Nos. 2734/2827 (Area measuring 0.0115 Acre), 2734/2828 (Area measuring 0.04 Acre) & 2734/2829 (Area measuring 0.29 Acre), and since then in their khas actual and physical possession having permanent, heritable and

Whereas being owner in such possession said Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar, died on 08.06.1999 intestate leaving behind his only daughter namely Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, as his only Legal heirs and successors as per provision of Hindu Succession Act, 1956. Accordingly by virtue of inheritance the above named legal heir became the sole owner of 1/7th share aforesaid Land measuring 0.65 Acre, since then in her khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession aforesaid Rabindra Nath Ray Sarkar, died in unmarried condition on 12.03.2013 intestate leaving behind his two brother namely (1) Sri Pradip Ray Sarkar, (2) Sri Dheeren Ray Sarkar, both are son of Late Birendra Nath Ray Sarkar, and three sister namely (3) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (4) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (5) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar, as his only Legal heirs and successors as per provision of Hindu Succession Act, 1956. Accordingly by virtue of inheritance the above named legal heir became the joint owners of 1/7th share aforesaid Land measuring 0.65 Acre, since then in their khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession aforesaid Miss Bithi Ray Sarkar, also died in unmarried condition on 29.11.2014 intestate leaving behind his two brother namely (1) Sri Pradip Ray Sarkar, (2) Sri Dheeren Ray Sarkar, both are son of Late Birendra Nath Ray Sarkar, and two sister namely (3) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (4) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, as her only Legal heirs and successors as per provision of Hindu Succession Act, 1956. Accordingly by virtue of inheritance the above named legal heir became the joint owners of 1/7th share aforesaid Land measuring 0.65 Acre, since then in their khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

And in such manner said (1) Sri Pradip Ray Sarkar, (2) Sri Dheeren Ray Sarkar, both are son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, became the absolute owner of total land measuring 0.65 Acre though they were enjoying and possessing the land measuring 0.45 Acre together with structure standing thereon, since then in their khas actual and physical possession having permanent, heritable and transferable right, title and interest therein, and out of which land measuring 0.29 Acre a part of said total land said Smt. Anuradha Nayak (Ray Sarkar), acquired the land measuring 0.04142 Acre by virtue of inheritance and her father, and Sri Pradip Ray Sarkar, Sri Dheeren Ray Sarkar, Smt. Banani Chatterjee & Smt. Bani Chowdhury, jointly acquired the land measuring 0.24858 Acre by virtue of inheritance i.e. each having 0.062145 Acre, and further during the Settlement Survey Operation said land measuring 0.29 Acre is identified under L.R. Plot No. 2734/2829, Situated within Mouza Siliguri now Siliguri Madya, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri

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Municipal Corporation Area Ward No. 26, Bearing Holding No. 10/185/248/209, Registry office at Additional District Sub-Registrar Siliguri, Within the jurisdiction of P.S. Siliguri, District Darjeeling.

Whereas being owner in such possession said Sri Dheeren Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, being represented by his constituted attorney namely (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee (by virtue of a registered General Power of Attorney being No. IV-40 for the year of 1981 recorded in Book No. IV Volume No. 3 Pages from 201 to 205 and the same was registered at the office of the then Sub-Registrar Siliguri), transferred his undivided share of Land measuring 0.062145 Acre out of the said land measuring 0.29 Acre, recorded in R.S. Khatian No. 992, appertaining to R.S. Plot No. 7209, corresponding to L.R. Plot No. 2734/2829, Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Within the jurisdiction of P.S. Siliguri, District Darjeeling, to and in favour of his sister namely Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, by virtue of a registered Deed of Gift being No. I-2464 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 84226 to 84250 and the same was registered at the office of the Additional District Sub-Registrar Siliguri.

Whereas being owner in such possession said Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, transferred her said share of Land measuring 0.062145 Acre out of the said land measuring 0.29 Acre, recorded in R.S. Khatian No. 992, appertaining to R.S. Plot No. 7209, corresponding to L.R. Plot No. 2734/2829, Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Within the jurisdiction of P.S. Siliguri, District Darjeeling, to and in favour of her sister namely Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, by virtue of a registered Deed of Gift being No. I-2604 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 88365 to 88385 and the same was registered at the office of the Additional District Sub-Registrar Siliguri.

In such manner said (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, became the absolute owner of said land measuring 0.29 Acre, recorded in R.S. Khatian No. 992, appertaining to R.S. Plot No. 7209, corresponding to L.R. Plot No. 2734/2829, Situated within Mouza Siliguri, J.L. No. 110(88), Pargana Baikunthapur, Under Siliguri Municipal Corporation Area Ward No. 26, Within the jurisdiction of P.S. Siliguri, District Darjeeling, since then in their khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, jointly desirous to construct a G+4 Storied Building upon their said plot of land measuring 0.29 Acre therefore they had entered into a registered Development Agreement being No. I-2625 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89319 to 89352 registered at the office of the Additional District Sub-Registrar Siliguri, with PRIME BUILDERS, a Proprietorship Firm, represented by of its Proprietor namely Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee (Developer).

Whereas being owner in such possession said (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, further executed a registered General Power of Attorney after Development Agreement being No. I-2627 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89353 to 89372 registered at the office of the Additional District Sub-Registrar Siliguri, to and in favour of Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee, proprietor of PRIME BUILDERS, a Proprietorship Firm, to transfer the developer's allocated area/s to and in favour of other intending purchaser/s.



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And whereas the said developer namely PRIME BUILDERS, a Proprietorship Firm, represented by of its Proprietor namely Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee, started to construct the said G+4 Storied Building upon the said plot of land measuring 0.29 Acre as per Sanctioned Building Plan vide No. 601 duly approved by Siliguri Municipal Corporation, Dated 21.01.2021.

I have obtained Online Court searching Information Slip from online portal as the courts within the District of Darjeeling does not provide any court information until any specific case. I am also satisfied that neither any suit, case or execution proceedings is pending in any Civil Courts at Darjeeling in relation to the said plot of land nor the said plot of land is charged with or attached under any process of law. I have caused search at the concerned registry office regarding the title for the period from 2010 to 2023 and I also have attach the online search receipts.

(iii) Confirm and state that the original title deeds submitted are the originals registered before the Registrar of Assurance:

Title deed registered at the office of the Additional District Sub Registrar Siliguri.

(iv) Whether the property is ancestral and/or under joint ownership. If so, details of the co-partners/Karta and/or the co-owners. The respective shares should be incorporated specifically:

The property is under sole ownership.

(v) Minor's interest:

Any minor's interest if involved in the property already mortgaged or any other claims. If minor's interest is involved, what precautions are to be taken to protect Bank's interest as a mortgagee to be stated? Please note that if the property belongs to a minor, permission of Court is generally required to create the mortgage of the property.

No.

(vi) Documents pending for registration:-

Enquiry is to be made whether any document creating mortgage, charge or encumbrance is pending registration in the concerned Sub-Registrar's/Registrar's office are to be stated. If so, full details of such charge etc. of charge holders' should be specified.

Not Applicable.

5. Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in the State where the property is located. If applicable whether the immovable property(ies) fall(s) within the purview of the Act, verification and investigation should be made under Sections 26, 27 and 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act. Documentary evidence showing such permission is obtained has to be attached with the report:

Not Applicable.

6. Whether the property is acquired under Land Acquisition Act, 1894/2014 and applicability of other State Legislations:

No.



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7. Leasehold immovable Property (Where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors/competent authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken while obtaining such property in mortgage).

No.

8. Investigation under Income Tax Act 1961, pending litigation related to property if any:

(Any permission of the concerned Assessing Officer under any of the provisions of I.T. Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to Income Tax Dept.).

Not Applicable.

9. Investigation in regard to agricultural land:-

(Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self-cultivated, if consolidation of holdings/acquisition proceedings etc. is in progress in the area, whether Government loan/any loan raised against the land and details about the charges/encumbrances may be specified, specifically with reference to the Agricultural Land Laws).

As per record the land classification is "Bastu".

10. The details of the certified copies of the revenue records obtained to confirm that no dues are outstanding by the Mortgagor.

Up-to date Land Khazna Dakhila & Holding Tax is available.

11. Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.

No.

12. If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated.

No.

13. Whether the records of Sub-Registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system. If so, whether any verification or cross checking are made and the comments/findings in this regard:

Yes, the online record of registrar office is available and verification or cross checking are made accordingly and I found nothing which would prevent the borrower to create equitable mortgage.

14. In case of partition/family settlement deeds, whether the partition made is valid in law, whether the original deed is available for deposit, whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his/her/their share. The modality/procedure to be followed to create a valid and enforceable mortgage. Whether any of the documents in question are



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executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages.

No.

15. Whether the property belongs to any trust or is subject to the rights of any trust? Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property? Is there any bar under local laws for creation of mortgage? The additional precaution/permission to be obtained for creation of valid mortgage as per the respective state/central laws.

No.

16. In case of partnership firm, whether the property belongs to the firm and the partnership deed is properly registered whether the partners have authority to create mortgage for and on behalf of the firm.

No.

17. If the property belongs to a limited company, Advocate to check the Borrowing powers, Board of resolution, and authorization to create mortgage/execution of documents, registration of any prior charges with the company registered (ROC), Memorandum of Association and Article of Association etc. and submit details.

No.

18. In case of Societies, Association, check the required authority/power to borrow and whether the mortgage can be created as per their constitutional documents and applicable laws, and the requisite resolutions, bye-laws etc. The additional precautions/permissions to be obtained for creation of valid mortgage as per the respective state/central laws to stated.

No.

19. If the property is a flat/apartment or residential/commercial complex, advocate to interalia check/verify a) promoter's/land owner's title to the land/building; b) Development Agreement/Power of Attorney; c) independent title verification of the land and/or building in question; d) Agreement for Sale (duly registered); e) Payment of proper stamp duty; f) Approval of building plan, permission of appropriate/local authority, etc. g) conveyance in favour of society/Condominium concerned; h) Occupancy certificate/Allotment Letter/Letter of possession; i) membership details in the society etc. j) Share certificates; k) No-objection letter from the society; l) All legal requirements under the local/municipal laws, regarding ownership of Flats/Apartment/Building Regulations, Development Control Regulations, Co-operative societies Laws etc.; m) requirement for noting the Bank charges on the records of the Housing Society, etc. and comment.

Not Applicable.

20. Advocate also to check whether the name of mortgagor is reflected as owner in the revenue/municipal/Village record, whether the property offered as security is clearly demarcated in the title documents, whether the property has clear access as per documents?



Chinmay Sarkar

Advocate

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70633-07012 (Mob.)
E-Mail – csarkar004@gmail.com

Ref :

Date: 08.04.2023

21. **Any bar/restrictions for creation of mortgage under any local or special enactment, details of proper registration of document, payment stamp duty etc.**

No, and the property is free from all encumbrances.

22. **Whether the governing law, the constitutional documents of the mortgagor (others than natural persons) permits creation of mortgage and additional precaution, if any to be taken in such cases.**

No.

Certificate

I have examined the Original Title Deed deposited relating to the aforesaid property/ies 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 Equitable Mortgage if created, it will satisfy the requirement of creation of equitable mortgage.

I hereby further certify that I have searched a verified the information furnished in this report and have compared the title deed given to me with the records/copy of it in the office of the Sub registrar and has found both tallying with each other. I confirm having made search in the land/revenue records. I also confirm having verified and checked the records of the relevant Government officers/Sub-Registrar(s) Office(s). Revenue Records, Municipal/Panchayet Office, Land Acquisition Office, Registrar of Companies Office. I found that the property is free from all encumbrances. The statements and other information given in the report are correct and true.

I certify that, the property is free from all encumbrances, as could be seen from the Encumbrances Certificate for the period from 2010 to 2023 pertaining to the immovable property/(ies) covered by above said title Deed. The property is free from all encumbrances.

I certify that (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, has got a valid, clear, absolute and marketable title over the property and the property shown above is free from all encumbrances. There are no legal impediments for creation of the mortgage under any applicable law/rules in force. I certify that the mortgage over the said property/ies can be enforced through process of law including the provisions of SARFAESI Act, for recovery of dues to the Bank.

If (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak, personally present and deposit the following title deed in original with intention to create equitable mortgage, it satisfied the requirements of creation of equitable mortgage.

The following documents should be taken for creation of valid equitable mortgage:-

- (i) Photocopy of Development Agreement being No. I-2625 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89319 to 89352 registered at the office of the Additional District Sub-Registrar Siliguri, executed between (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak (Owners) along with PRIME BUILDERS, a Proprietorship Firm, represented by of its Proprietor namely Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee (Developer).



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- (ii) Photocopy of General Power of Attorney after Development Agreement being No. I-2627 for the year 2018 recorded in Book No. I Volume No. 402 Pages from 89353 to 89372 registered at the office of the Additional District Sub-Registrar Siliguri, in favour of Sri Sourav Banerjee, Son of Late Swarna Kamal Banerjee, proprietor of PRIME BUILDERS, a Proprietorship Firm.
- (iii) Photocopy of Deed of Gift being No. I-2464 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 84226 to 84250 and the same was registered at the office of the Additional District Sub-Registrar Siliguri, in the name of Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury.
- (iv) Photocopy of Deed of Gift being No. I-2604 for the year of 2018 recorded in Book No. I Volume No. 402 Pages from 88365 to 88385 and the same was registered at the office of the Additional District Sub-Registrar Siliguri, in the name of Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee.
- (v) Photocopy of Deed of Partition being No. I-2168 for the year of 1976 recorded in Book No. I Volume No. 40 Pages from 146 to 159 and the same was registered at the office of the then Sub-Registrar Siliguri, executed between (1) Sri Birendra Nath Roy Sarkar, Son of Late Babulal Roy Sarkar, (2) Sri Digendra Nath Roy Sarkar, Son of Late Babulal Roy Sarkar.
- (vi) Photocopy of General Power of Attorney being No. IV-40 for the year of 1981 recorded in Book No. IV Volume No. 3 Pages from 201 to 205 and the same was registered at the office of the then Sub-Registrar Siliguri, in favour of (1) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar.
- (vii) Photocopy of R.S. Khatian No. 992 in the name of (1) Sri Birendra Nath Ray Sarkar, Son of Late Babulal Roy Sarkar, (2) Sri Digendra Nath Ray Sarkar, Son of Late Babulal Roy Sarkar.
- (viii) Photocopy of Legal Heirs Affidavit of Rabindra Nath Ray Sarkar & Smt. Bithi Ray Sarkar from the Ld. Executive Magistrate at Siliguri.
- (ix) Photocopy of Legal Heirs Affidavit of Birendra Nath Roy Sarkar from the Ld. Executive Magistrate at Siliguri.
- (x) Photocopy of Legal Heirs Affidavit of Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar from the Ld. Executive Magistrate at Siliguri.
- (xi) Photocopy of L.R. Khatian Nos. 1385, 1384, 1386, 1383, 1382, 1381 & 1380 in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Miss Bithi Ray Sarkar, Daughter Late Birendra Nath Ray Sarkar, (5) Sri Rabindra Nath Ray Sarkar, (6) Sri Heeren Ray Sarkar @ Hirendra Nath Ray Sarkar, (7) Sri Dheeren Ray Sarkar, all are sons of Late Birendra Nath Ray Sarkar.
- (xii) Photocopy of Land khazna Dakhila being No. L&LR SBP M 8575335 in the name of Sri Pradip Ray Sarkar & Others.
- (xiii) Photocopy of Holding Tax Receipt vide No. 4133 in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak Ray Sarkar, Wife of Sri Rajesh Nayak.



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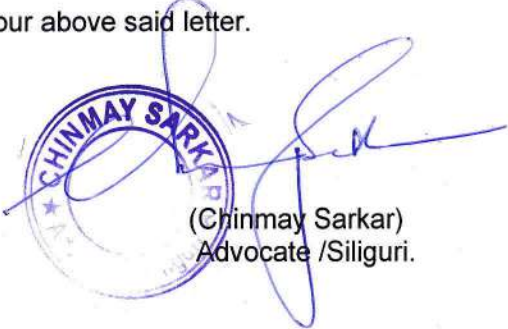
Date: 08.04.2023

- (xiv) Photocopy of Sanctioned Building Plan vide No. 601 duly approved by Siliguri Municipal Corporation, in the name of (1) Sri Pradip Ray Sarkar, Son of Late Birendra Nath Ray Sarkar, (2) Smt. Banani Chatterjee, Wife of Late Swapan Chatterjee, (3) Smt. Bani Chowdhury, Wife of Late Amalendra Narayan Chowdhury, (4) Smt. Anuradha Nayak (Ray Sarkar), Wife of Sri Rajesh Nayak.

The stamp duty payable on Oral Assent/MOD (if applicable) – Not Applicable.

I hereby return the photocopy of documents for forwarded to me vide your above said letter.

Place: Siliguri.


(Chinmay Sarkar)
Advocate /Siliguri.