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Ref. No. *428/2018*

29<sup>th</sup> June 2018  
Dated. *B/SB*

**P.S. Group Realty Limited**  
1002 E.M.Bypass  
Kolkata 700 105

Dear Sirs,

**Re: Premises No. 43/A Sarat Bose Road, Kolkata 700020**  
**Sub: REPORT ON TITLE**

ATTN. Mr. Joey Chatterjee

1. **BACKGROUND**

- 1.1 One Bibhuti Bhusan Roy (since deceased and hereinafter referred to as the DECEASED) who during his lifetime was a Hindu governed by the Dayabhaga School of Hindu Law was absolutely seized and possessed of and/or otherwise well and sufficiently entitled to ALL THAT the Municipal Premises No.43 Sarat Bose Road P.S. Bhowanipore, Kolkata 700 020 ( hereunder written and hereinafter referred to as the LARGER PROPERTY)
- 1.2 The said Deceased during his lifetime divided the said Larger Property into three parts namely LOT A, LOT B and LOT C. The said LOT 'A' comprised of an area of 13 cottahs 12 chittacks and 43 sq.ft. together with a residential building standing thereon comprising of ground plus two upper floors and garage (hereinafter referred to as the RESIDENTIAL AREA) the said LOT B comprised of an area of 13 cottahs (more or less) together with the structures standing thereon has been leased out by way of long term lease unto and in favour of Manjusha Co-operative Housing Society (hereinafter referred to as the SOCIETY'S AREA) and LOT C comprising an area of 2 Cottahs 8 Chittack 41 sqft (more or less) whereon the outhouse is situated (hereinafter referred to as the OUTHOUSE AREA)
- 1.3 The said Bibhuti Bhusan Roy died testate on 15<sup>th</sup> December 1981 after having made and published His Last Will and Testament dated 5<sup>th</sup> December 1981 leaving his surviving his two sons namely Udit Kumar Roy also known as Udit Roy and Pradeep Kumar Roy and his only married daughter Smt. Susmita Mehta as his only heirs and/or legal representatives and by and under the said Will he appointed his eldest son Udit Kumar Roy as his sole Executor and gave bequeathed and devised the said Entire Property amongst his heirs and/or legal representatives in the manner as hereinafter appearing
- 1.4 By and under the said Will the said Deceased directed that after providing for the said Society Area the remaining part or portion of the said Larger Property namely the Residential Area and the Outhouse Area was to be divided and distributed amongst his heirs in a manner whereby the said Outhouse Area was absolutely bequeathed to his daughter Smt. Susmita Mehta and out of the said residential area the entirety of the ground floor of the said building together with the

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undivided 50% share in common parts and <sup>Dated</sup> portions, second floor , garage and together with the undivided 50% proportionate share in the land comprised in the Residential Area has been bequeathed to his son Pradeep Kumar Roy absolutely and forever and the entirety of the first floor of the said building together with the undivided 50% share in common parts and portions, second floor , garage and passageway leading from Sarat Bose Road to the said Residential Area together with the undivided 50% proportionate share in the land comprised in the Residential Area has been bequeathed to his grandson Deep Roy son of the said Udit Kumar Roy absolutely and forever

- 1.5 In pursuance of an application for probate filed in the Court of the District Delegate at Alipore, South 24 Parganas probate in respect of the said Will was granted and the estate of the said Deceased has been fully administered
- 1.6 By an agreement dated 4<sup>th</sup> December 1987 followed by a Supplemental Agreement dated 27<sup>th</sup> August 1991 entered into between Udit Roy, Pradeep Kumar Roy, Deep Roy and Smt. Sushmita Mehta therein collectively referred to as Owners and PS Constructions therein referred to as the Developer, the said Owners for the consideration therein mentioned granted the exclusive right of development in respect of the said Outhouse Area and Residential Area unto and in favour of the said PS Constructions for the consideration and subject to the terms and conditions contained and recorded in the Agreements (hereinafter collectively referred to as the DEVELOPMENT AGREEMENT)
- 1.7 Disputes and differences having arisen between the Owners and the said Developer giving rise to various proceedings, all such disputes and differences were ultimately referred to the sole arbitration of Mr. Justice Chittatosh Mookerjee (Retd) former Chief Justice of Calcutta and Bombay High Court (hereinafter referred to as the ARBITRATOR) and in the said Arbitration Proceedings Mr. Dev Singh Mehta and Mr. Harsh Singh Mehta being the heirs of late Smt. Sushmita Mehta are collectively referred to as the Claimants and the said P.S. Constructions/P.S. Group, Udit Kumar Roy, Pradeep Kumar Roy and Deep Roy are collectively referred to as the Respondents.
- 1.8 Justice Chittatosh Mookerjee made and published his Award dated 17<sup>th</sup> June 2018 whereby Justice Mookerjee held that the Claimants were not entitled to undivided 1/3<sup>rd</sup> share or interest in LOT A and LOT C forming part of the said Larger Property and were only entitled to the said LOT C forming part of the said Larger Property. Justice Mookerjee had further held that the said Development Agreement dated 4<sup>th</sup> December 1987 and Supplementary Agreement dated 27<sup>th</sup> September 1991 were illegal and void



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1.9 By a registered Indenture of Conveyance dated 2<sup>nd</sup> June 2017 registered at the office of the Additional District Sub Registrar, Alipore in Book No. I Volume No. 1605-2017<sup>Date</sup> Pages 86233 to 86262 Being No. 160503306 for the year 2017 and made between Deep Roy therein referred to as the Vendor of the First Part, PS Constructions therein referred to as the Confirming Party of the Second Part and PS Group Realty Limited therein referred to as the Purchaser of the Third Part, the said Deep Roy sold transferred and conveyed unto and in favour of

PS Group Realty Limited ALL THAT the entirety of the first floor of the building situated on the said Residential Area containing by estimation an area of 4675 sq.ft. (more or less) together with all constructions standing thereon AND TOGETHER WITH undivided 50% share or interest into or upon the passageway leading from Sarat Bose Road to the said Residential Area AND TOGETHER WITH undivided 50% share or interest in the second floor and all common parts portions including garage AND TOGETHER WITH undivided 50% proportionate share in the land comprised in the said Residential Area appurtenant and/or allocable thereto for the consideration therein mentioned

1.10 In the events as recited hereinabove the said Pradeep Kumar Roy and the said PS Group Realty Limited thus jointly became entitled to the said Residential Area forming part of the said Larger Property.

1.11 The said Residential Area has since been numbered as Municipal Premises No.43/1 Sarat Bose Road, Kolkata 700 020 (PREMISES)

1.12 By a Joint Development Agreement dated 24<sup>th</sup> July 2017 registered at the office of the Additional District Sub Registrar, Alipore in Book No.1 Volume No. 1605-2017 Pages 123090 to 123162 Being No. 160504594 for the year 2017 and made between Pradip Kumar Roy therein referred to as the Owner/First Party, PS Group Realty Limited therein referred to as the Developer/Second Party and PS Construction therein referred to as the Confirming Party of the Third Part the said Pradip Kumar Roy for the consideration therein mentioned granted the exclusive right of development in respect of the entirety of his right title interest into or upon the said Residential Area unto and in favour of the said PS Group Realty Limited.

## 2. SEARCHES

2.1 Searches were carried out by Mr. Rathin Paul of our office. Mr. Paul carried out searches at the offices of the Additional Registrar of Assurances, Kolkata, Additional District Sub Registrar, Alipore and also at the office of the District Sub Registrar-1, South 24 Parganas and the following entries have been found:

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Dated.

**A. ADDITIONAL REGISTRAR OF ASSURANCES, KOLKATA**

Searches were carried out in Index II from the year 1957 to 13<sup>th</sup> December 2017 and the following entries have been found

Year	Entry	Deed No.	Book No.	Vol.	Pages	Area
2011	Sale	862	1		2565-2577	1300 sq.ft.
2013	Sale	1238	1		3561-3580	1440 sq.ft.
2017	Sale	1299	1		39977-39999	850 sq.ft.

These entries do not pertain to the said Premises.

Searches were also carried out in Index No.1 at this office in the name of Pradeep Kumar Roy and Deep Kumar Roy from year 2002 to 25<sup>th</sup> April 2018 and no entry has been found

**B. ADDITIONAL DISTRICT SUB REGISTRAR, ALIPORE**

Searches were carried out in Index II from the year 1967 to 12<sup>TH</sup> September 2017 and the following entries have been found:

Year	Entry	Deed No.	Book No.	Vol.	Pages	Area
2009	Deed of Assignment	8335	1		1659-1667	980 sq.ft.
2009	-do-	8306	1		1162-1169	980 sq.ft.
2009	Sale	5322	1		4798-4805	980
2009	Sale	5321	1		4792-4797	939 sq.ft.
2010	Lease	6462	1		2224-2239	939 sq.ft.
2010	Deed of Assignment	9445	1		2818-2831	980 sq.ft.

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2010	Gift	<b>8091</b>	1		4763- <del>Date</del>	766.66 sq.ft.
2012	Sale	<b>2158</b>	1		2296- 2310	1275 sq.ft.
2017	Sale	<b>3306</b>	1		86233- 86262	650 sq.ft.
2017	Sale	<b>4594</b>	1		123090- 123162	48.365 decimals

These entries do not pertain to the said Premises.

Searches were also carried out in Index No.1 at this office in the name of Pradeep Kumar Roy and Deep Kumar Roy from year 2002 to 25<sup>th</sup> April 2018 and the following entries have been found :

In the name of Deep Kumar Roy - The following entry pertains to the sale by Deep Kumar Roy in favour of PS Group Realty Limited

Year	Entry	Deed No.	Book No.	Vol.	Pages
2017	Sale	3306	1	1605	86233- 86262

In the name of Pradeep Kumar Roy - The following entry pertains to the Development Agreement entered into by Pradeep Kumar Roy with PS Group

Year	Entry	Deed No.	Book No.	Vol.	Pages
2017	Sale/Development	4594	1	1605	123090- 123162

**C. DISTRICT SUB REGISTRAR-1, SOUTH 24 PARGANAS**

Searches were carried out in Index II from the year 1967 to 12<sup>TH</sup> September 2017 and the following entries have been found:

Year	Entry	Deed No.	Book No.	Vol.	Pages
2012	Gift	1630	1		3705 3719

These entries do not pertain to LOT B forming part of the said Larger property



Ref. No. It must be put on record that many of the volumes in the aforesaid registration offices are in torn and mutilated condition and as such could not be inspected Dated

**D. COURT SEARCHES**

Mr. Paul also carried out searches at the office of the 4<sup>th</sup> Civil Judge (Junior Division) at Alipore and also at the office of the 4<sup>th</sup> Civil Judge (Senior Division) at Alipore to ascertain whether any title suit, money suit, title execution or money execution had been filed by or against P.S. Group Realty, Limited, Pradeep Kumar Roy and Sri Deep Roy during the period 2006 to 2017. From the information slips obtained it appears that no such suit has been filed by or against them in respect of the said premises during the aforesaid period

**E. KOLKATA MUNICIPAL CORPORATION** - While carrying out searches at this office it has been noted that the recorded owners of the said Premises is PS Group Realty Limited and Sri Pradeep Kumar Roy and that there are no outstanding taxes payable in respect of the said Premises.

**3. CERTIFICATION**

3.1 Based on the searches carried out and after perusing the various papers relating to the title of the said Premises, we are of the view that the said Premises is free from all encumbrances and charges and the present owners namely PS Group Realty Limited and Pradeep Kumar Roy have a marketable title.

**SKIES ENCLAVE LLP**

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**R. L. GAGGAR**

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