

LEGAL DUE DILIGENCE REPORT

In respect of

ALL THAT piece and parcel of revenue free land admeasuring an area of 4 cottahs 1 chittaks and 16 sq.ft along with two storied building situated at municipal premises no. 48/9, Purna Das Road P.S Lake Kolkata- 700029 [referred to as the "said Property"]

For

CHANDAN CHATTERJEE

["Client"]



Date: 20.07.2023

Kind attention: Chandan Chatterjee

Dear Sir

Re: Legal Due Diligence of

ALL THAT piece and parcel of revenue free land admeasuring an area of 4 cottahs 1 chittaks and 16 sq.ft along with two storied building situated at municipal premises no. 48/9, Purna Das Road P.S Lake Kolkata- 700029 [referred to as the "said Property"]

1. PRELIMINARY:

- 1.1 We understand that the said Property shall be purchased for real state project("Proposed Transaction"). For the Proposed Transaction, as instructed by you, our legal due diligence report (hereinafter referred to as the "Report") in respect of the said Property is submitted as follows.
- 1.2 The Report is based on (i) the copies of documents specified in **Schedule 1** provided by Client and (ii) the comments/observations mentioned in various sections of this Report.
- 1.3 We draw your attention to **Schedule 4** of this Report which sets out our limitation of liability, the qualifications used and assumption, we have made in compiling this Report.

2. DOCUMENTS PROVIDED:

The documents provided by you in respect of the said Property are more fully described in **Schedule 1** in this Report.

3. DEVOLUTION OF TITLE:

From the perusal of the documents described in Clause 2 above, we have noted the devolution which is described in **Schedule 2** hetero.

4. SEARCHES:

The details of the searches as conducted as on date are more fully described in **Schedule 3** of this Report.



5. OPINION

We are of the opinion that the following owners have a good marketable title to the said Property:

Owner	Area
Suvra Neogie and Shukla Niyogi	ALL THAT piece and parcel of revenue free land admeasuring an area of 4 cottahs 1 chittaks and 16 sq.ft along with two storied building situated at municipal premises no. 48/9, Purna Das Road P.S Lake Kolkata-700029

SCHEDULE 1 (LIST OF PHOTOCOPIES OF DOCUMENTS PROVIDED)

Sl. No.	DESCRIPTION
1.	Deed of Conveyance dated 22.01.1939 recorded in Book No.1 Vol.No. 5 Page Nos. from 176 to 180 Being No. 142 for the year 1939 registered with the office of Sub Registrar at Sealdah
2.	Kolkata Municipal Corporation Tax receipts vide Assessee No. 110862100116
3.	KMC Letter for construction of Building being Sanction No. 48(IV) Dated 22.05.1984.
4.	Death Certificate of Prabhat Kumar Sur, Sephalika Sur, Prabhat Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur.
5.	Will dated 07.06.2013 recorded in Book III being no. 5226 of 2013 registered with the office of ADSR, Sealdah
6.	Will dated 07.06.2013 recorded in Book III being no. 111 of 2013 registered with the office of ADSR, Sealdah
7.	Will dated 07.06.2013 recorded in Book III being no. 5225 of 2013 registered with the office of ADSR, Sealdah
8.	Letters dated 14.06.2023 issued by Debdeep Neogie.





SCHEDULE 2
(DEVOLUTION OF TITLE)

- 1) One Debendra Nath Ghosh while being the lawful owner and well seized and possessed and sufficiently entitled to ALL THAT piece and parcel of land admeasuring an area of 4 cottahs 1 chittaks and 16 sq.ft situated at Municipal Premises No. 48/9 Manoharpukur Road within the limits of Calcutta Municipal Corporation being plots nos."Q" and "N/2" of the Hindusthan Park- Manoharpukur Road- Land Scheme" and being comprised in Holding No. 287 in sub Division P Division VI DehiPanchannagram, P.S Tallygunge Now Ballygunge District South 24 Parganas, now known as Municipal Premises No. 48/9, Purna Das Road, Kolkata 700029, hereinafter referred to as the "said Property", sold transferred and conveyed the said Property to BijayRatna Sur vide a Deed of Conveyance dated 22.01.1939 recorded in Book No.1 Vol.No. 5 Page Nos. from 176 to 180 Being No. 142 for the year 1939 registered with the office of Sub Registrar at Sealdah.
- 2) The Said BijayRatna Sur while being entitled to the said Property caused to construct a masonry building at the said Property. Thereafter the said BijayRatna Sur died intestate on 11.06.1952 leaving behind his wife and three sons namely Sephalika Sur, Prabhat (alias Provat) Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur as his only legal heirs and successors and accordingly Sephalika Sur, Prabhat (alias Provat) Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur became entitled to the said Property.
- 3) The said Sephalika Sur while being entitled to her share in the said Property died intestate on 21.12.1981 leaving behind her three sons Prabhat Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur as her only legal heirs and accordingly Prabhat (alias Provat) Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur became entitled to the said Property.
- 4) Prabhat (alias Provat) Kumar Sur, Arun Kumar Sur and Tapan Kumar Sur while jointly being entitled to the said Property and the construction thereat mutated their names with the records of Kolkata Municipal Corporation (KMC) under Assessee No. 110862100116. Thereafter, Prabhat (alias Provat) Kumar Sur, Arun Kumar Sur and

Tapan Kumar Sur caused to construct another two floors on the existing structure of the said Property, on obtaining a modified sanction from KMC vide Building Sanction No. 48(IV) dated 22.05.1984.

- 5) Prabhat (alias Provat) Kumar Sur died intestate on or about 03.03.1993 leaving behind his wife Alpana Sur and his two daughters namely Suvra Neogie and Shukla Niyogi as his only legal heirs.
- 6) The said Arun Kumar Sur died testate as a bachelor on 16.07.2013, leaving behind a registered Will dated 07.06.2013 and bequeathed his right title interest in the said Property in favour of his two nieces namely Suva Neogie and Shukla Niyogi (both daughters of Prabhat (alias Provat) Kumar Sur). The said Will dated 07.06.2013 was recorded in Book III having being no. 112 of 2013 registered with the office of ADSR, Sealdah.
- 7) The said Alpana Sur wife of Prabhat (alias Provat) Kumar Sur died testate on 07.10.2014 leaving behind a registered Will dated 07.06.2013 and bequeathed her right title interest in the said Property in favour of her two daughters namely Suvra Neogie and Shukla Niyogi. The said Will dated 07.06.2013 was recorded in Book III having being no. 111 of 2013 registered with the office of ADSR, Sealdah
- 8) The said Tapan Kumar Sur died testate as a bachelor on 28.01.2023 leaving behind a registered Will dated 07.06.2013 and bequeathed his right title interest in the said Property in favour of his two nieces namely Suvra Neogie and Shukla Niyogi (both daughters of Prabhat (alias Provat) Kumar Sur). The said Will dated 07.06.2013 was recorded in Book III having being no. 113 of 2013 registered with the office of ADSR, Sealdah.
- 9) In the said three Wills of Alpana Sur, Arun Kumar Sur and Tapan Kumar Sur, the same person i.e. Debdip Neogie, was named and appointed as the Executor. Thereafter the said Debdip Neogie being the executor of the all the said three Wills all dated 07.06.2013 of Late Alpana Sur, Late Arun Kumar Sur and Late Tapan Kumar Sur has renounced his right to accept the executorship of the said three Wills by virtue of three separate letters



all dated 14.06.2023 respectively. Accordingly, the probate of aforesaid three Wills all dated 07.06.2013 of Arun Kumar Sur, Alpana Sur and Tapan Kumar Sur has not been obtained till date.

It is further pertinent to note that under the said three Wills Suvra Neogie and Shukla Niyogi are the only beneficiaries. It is clear that Arun Kumar Sur and Tapan Kumar Sur, the two sons of late Bijoy Ratna Sur had undivided 1/3rd share each in the said Property left by their father Bijoy Ratna Sur. Whereas, the undivided 1/3rd share of Probhat Kumar Sur was inherited by his wife Alpana Sur and the said two daughters in equal share. Therefore, Alpana Sur had got undivided 1/9th share in the said Property of Bijoy Ratna Sur.

As per the Hindu law of intestate succession Arun Kumar Sur and Tapan Kumar Sur having died as bachelors their share in the said Property would have devolved as per sub-class (IV) of Class II to the Schedule appended to Section 8 of the Hindu Succession Act, 1956 i.e. upon "brother's daughter" i.e. the said Suvra Neogie, and Shukla Niyogi.



Further, as per the provisions of the Hindu law of intestate succession, on the demise of Alpana Sur her undivided 1/9th share would devolve on her two daughters Suvra Neogie and Shukla Niyogi under Section 15 of the Hindu Succession Act, 1956. Hence by virtue of Hindu law of intestate succession Suvra Neogie and Shukla Niyogi are solely entitled to the said Property.

Please note that the Debtdip Neogie executor in the three respective Wills of Late Alpana Sur, Late Arun Kumar Sur and Late Tapan Kumar Sur has expressly in writing vide three letters dated 14.06.2023 respectively has renounced executorship of the said three Wills, it is upon Suvra Neogie and Shukla Niyogi being the beneficiaries under the said Wills either to apply for letters of administration in respect of the said Wills or give a go-by to the Wills.

10) Therefore, by virtue of above Suvra Neogie and Shukla Niyogi are the owners of the said Property.

SCHEDULE 3 Searches

Searches have been carried out at the office of the Registrars, Courts and the Municipality and the report thereof is as follows:

1. Registration office searches:

We had carried out searches for the period mentioned in the table below and to detect entries in Index - I Registers maintained name wise and in Index - II Registers maintained property description wise in respect of the following names and property description:-

Index -I		
OWNER	FATHER NAME/HUSBAND NAME	YEAR
Provat Kumar Sur @ Prabhat Kumar Sur	Bijoy Ratna Sur	1993-1993
Tapan Kumar Sur	Bijoy Ratna Sur	1993-2023
Arun Kumar Sur	Bijoy Ratna Sur	1993-2013
Alpana Sur	wife of Prabhat Kumar Sur	1993-2014
Surva Neogie	D/o Prabhat Kumar Sur	1993-2023
Shukla Niyogi	D/o Prabhat Kumar Sur	1993-2023

Index -II	
48/9, Purna Das Road, ward No. 086, South 24 Parganas, P.S Lake	1993 - 2023 (30 Years)
48/9, Manoharpukur Road, south 24 Paragans	1993 - 2023 (30 Years)



While conducting searches in Index - I Registers, as aforesaid, no entries were detected as adversely affecting the title of the Owners to the Subject Property.

While conducting searches in Index - II Registers, as aforesaid, no entries were detected as adversely affecting the title of the Owners to the Subject Property

Searching receipts under Index I and Index II are collectively annexed hereto as Annexure 1.

It is pertinent to mention herein that, certain documents of registration which have been kept pending are not noted in the index, wherein, searches were made and as such searches of these documents cannot be performed.

2. Litigation Search:

We had conducted searches from the court of within whose jurisdiction the subject property falls in respect of the names mentioned in the table below for the periods

mentioned therein respectively during the last 12 years for any Title Suit or Money Suit filed by or against them:

SL.No.	Names	YEAR
1.	Provat Kumar Sur @ Prabhat Kumar Sur	2011-2023
2.	Tapan Kumar Sur	2011-2023
3.	Arun Kumar Sur	2011-2023
4.	Alpana Sur	2011-2023
5.	Surva Neogie	2011-2023
6.	Shukla Niyogi	2011-2023

Information Slip received from the concerned court in respect of the above names are annexed herewith as Annexure-II.

3. The Kolkata Municipal Corporation, Heritage Property, Recorded Pond and Ancient Monuments Act.

Taxes:-

As per the information available on the website of the Kolkata Municipal Corporation, there is no outstanding amount due from the present owner being assessee no. 110862100116 of the said Property as on 13.09.2023

NOC from the official website of the KMC showing the above result is annexed hereto as Annexure III.

Heritage Property and Recorded Pond:

Further, the Said Property is not recorded as a heritage property or on the pond wise list prepared by the Kolkata Municipal Corporation.

Screenshot of the same is annexed to this Report as Annexure IV

Ancient Monument Act:

The Said Property is also outside the purview of the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

4. Applications under the Right to Information Act, 2005

We have issued following Letters under the Right to Information Act, 2005 to obtain necessary information from the respective addressees, as hereunder:

- 1.1. Letter being reference no. SA/SD/AC/RTI-385 dated 10.05.2023 issued to the State Public Information Officer, Assessor-Collector (South), Assessment & Collection



(Revenue - South) Department, Kolkata Municipal Corporation requesting for information in respect to quarterly amount of rates and taxes liable to be paid in respect of the Said Property and a confirmation if the Said Property has been re-numbered and that the name of the road has also not been changed.

In response to our Letter being reference no. SA/SD/AC/RTI-385 dated 10.05.2023, a letter bearing reference No. RTI/56/1/23-24 has been received wherein the Assessor-Collector (South), Assessment & Collection (Revenue - South) Department has stated that

"1) Quarterly amount of tax is Rs. 1082/- and no outstanding demand exists against the above mentioned assessee number.

2) As per available books of records, it is to state that Premises No. 48/9, Purna Das Road has not been re-numbered and name of the road has also not been changed."

- 1.2. Letter dated 10.05.2023 bearing reference number SA/SD/UB/RTI-392 issued to the State Public Information Officer, KMDA (Kolkata Improvement Trust wing), requesting for details (including supporting documents) of any scheme of road widening, acquisition, requisition, road alignment, betterment or improvement, either approved or to be approved, or, notified or to be notified, or, sanctioned or to be sanctioned, or, proposed or to be proposed, and/or prescribed or to be prescribed, by Kolkata Improvement Trust affecting the Said Property.

In response to our Letter dated 10.05.2023 bearing reference number SA/AP/UB/RTI-374 has yet been received, we have received an internal forwarding letter bearing reference No. 468/KMDA/RTI/1/2006(IR-12394) dated 24.05.2023.

- 1.3. Letter dated 10.05.2023 bearing reference number SA/SD/EE/RTI-391 issued to the State Public Information Officer, Executive Engineer, Chief Valuer & Surveyor Department, The Kolkata Municipal Corporation, requesting for the latest survey report / observation in respect of the Said Property including the following information:

- (i) Width of the road;
- (ii) Character of road;
- (iii) Details of any public drain lying under or around the Said Property;
- (iv) Street alignment, if any; and
- (v) Any other observation.



In response to our Letter dated 10.05.2023 bearing reference number SA/SD/EE/RTI-391 letter bearing reference No. Memo No. Ch.V&S/466/2023-2024 has been received wherein the Chief Valuer & Surveyor Department, has stated that "Necessary

information as sought for may be provided after submission of requisite documents and on payment of necessary fees as per KMC schedule of rates and charges".

- 1.4. Letter dated 10.05.2023 bearing reference number SA/SD/AM/RTI-397 issued to the Law Department, Kolkata Municipal Corporation to ascertain whether any suit or proceeding pending by or against the Kolkata Municipal Corporation in respect of the Said Property.

In response to our Letter dated 10.05.2023 bearing reference number SA/AP/AM/RTI-397, letter bearing reference No. Memo No. L - 65 / Law/ RTI/ 2023 dated 13.05.2023 has been received wherein the Law Department, Kolkata Municipal Department has stated that 'it appears from the available computer records/ digitized records of the Law Department, KMC, no suits or proceedings pending by or against the Kolkata Municipal Corporation with respect to the above premises, regarding any Corporation tax or any other matters, before the Hon'ble High Court, Calcutta, Ld. Sealdah Court, Ld. Alipore Court and the City Civil Court'.

- 1.5. Letter dated 10.05.2023 bearing reference number SA/AP/THIKA/RTI- 389 issued to the Public Information Officer & the Controller, Kolkata Thika Tenancy to ascertain whether the Said Property is a thika property under the West Bengal Thika Tenancy (Acquisition & Regulation) Act, 2001, whether any return has been filed under the West Bengal Thika Tenancy (Acquisition & Regulation) Act, 2001 and whether any proceeding under the West Bengal Thika Tenancy (Acquisition & Regulation) Act, 2001 is pending (including determination of any return filed) in respect of the Said Property.

In response to our Letter dated 22.05.2023 bearing reference number SA/AP/THIKA/RTI- 389, letter bearing reference No. Memo No. L - 71/inf./ K.T.T/2023 dated 22.05.2023 has been received wherein the Kolkata Thika Tenancy has stated that "On verification of the presently available office record it appears that no return in form "A" specifically in respect of the premises noted above is found to be submitted within stipulated period and no question for the determination of the same so far arises."

- 1.6. Letter dated 10.05.2023 bearing reference number SA/SD/AM/RTI- 398 issued to the State Public Information Officer, Urban Land Ceiling Branch, Urban Development Department requesting for the following details (the details and the present position):

- (i) Details of any Return under Section 6(1) of the Urban Land (Ceiling & Regulation) Act, 1976.
- (ii) Details of any proceeding pending under the Urban Land (Ceiling & Regulation) Act, 1976.



(iii) Details of any vesting proceeding affecting the Said Property under the Urban Land (Ceiling & Regulation) Act, 1976.

In response to our Letter dated 10.05.2023 bearing reference number SA/SD/AM/RTI- 398 letter bearing reference No. 219-ULC/KOL/X(RTI)- 51 /2023 dated 30.06.2023 has been received wherein the Urban Land Ceiling Branch, Urban Development Department has stated that

"Query no.3(a) :

As the name of the owner of the landed property situated at premises no. 48/9, Manoharpukur Road, Ward No. 86, P.S. Lake, Kolkata-700029, KMC. As on the appointed date of UL(C&R) Act, 1976 i.e. as on 17.02.1976 and onwards was not provided, so it is not possible to provide the information as sought for by you.

Query no. 3(b):

It appears that no proceeding u/s 8 of UL(C&R)Act, 1976 has been initiated till date in respect of the above mentioned premises.

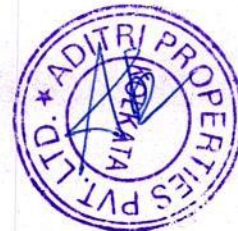
Query no. 3(c):

Does not arise."

1.7 Letter dated 14.04.2023 bearing reference number SA/SD/LA/RTI-387 issued to the State Public Information Officer, Additional Land Acquisition Officer, requesting for details (including supporting documents) of any acquisition, requisition, , by the said office affecting the Said Property.

No response to our Letters dated 14.04.2023 bearing reference number SA/SD/LA/RTI-387 has yet been received. We have therefore issued another similar application to the appellate authority vide Letters bearing reference number SA/SD/LA/ RTI -387 A all dated 08.08.2023.

Copies of all our RTI applications and the replies received in response thereto from the relevant authorities have been collectively annexed hereto as Annexure V.



SCHEDULE 4
(DISCLAIMER)

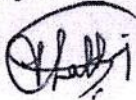
Our Observation given in the report are based on the given assumption below:-

1. We have assumed the capacity of all natural persons, genuineness of all signatures, the conformity and the authenticity of all documents provided as original, and the conformity of the copies or extracts provided to me with that of the original documents. We have also assumed the genuineness of the contents and authority of the sender in respect of the e-mail messages and their attachments received by us.
2. We have assumed that the documents provided to us in connection with any particular issue are the only documents relating to such issue.
3. Where such documents/records were not available for review, we had relied upon the veracity of statements made.
4. Valuation and physical verification of the said Property, street alignment, character of the road and width of the road pertaining to the said Property are not part of our scope of work, hence we have not examined the value or conducted any physical search/verification of the said Property nor have we examined the issues of physical possession nor street alignment, character of the road and width of the road pertaining to the said Property.
5. The decision of proceeding with or consummating any transaction on the basis of this Report lies solely with Client and our findings documented in this Report shall not, in any way, constitute a recommendation as to Client or any other person should (or should not) consummate any transaction.
6. This Report is only a limited to the searches conducted/to be conducted by the agents as mentioned hereinabove and should not be treated as report on the title of said Property and this Report is based on the photocopies of documents as supplied to us and the search reports conducted/ to be conducted by the agents as mentioned hereinabove.
7. Please note that the process of searches in the registry offices and/or governmental offices and/or court is often not reliable since the records are not updated/maintained properly and/or not provided for inspection. We did not opine on the validity, adequacy or completeness of such search reports. We have not done searches at any other government offices and/or revenue and/or tax departments and/or municipal



- body therefore We cannot comment whether any revenue, attachment proceeding and tax dues are pending or not with respect to the said Property.
8. This Report was prepared based on the informations made available from government/judicial/quasi-judicial departments based the records maintained by them physically or digitally. We assume no responsibility or liability for any errors or omissions in the content of such information made available on website and/ or in the Registers/books/volumes maintained at the offices of such department which were either not produced or found to be badly maintained or missing.
 9. It has been assumed that there are no facts or circumstances in existence and no events have occurred and /or brought to our notice which has rendered the title documents and/or other documents void or voidable or capable of rescission for any fraud or misrepresentation on the part of any party.
 10. To the extent that this Report contains or refers to reports, memoranda, lists, information, opinions or advice from any other person, that person remains exclusively responsible for the contents of such reports, memoranda, lists, information, opinions or advice.
 11. We also make it clear that our liability is only limited to the extent of the professional fees received for rendering such Report.
 12. We also advise you to make local inspection and enquire with regard to the possession and occupants of the said Property.

For Samyakk Attorneys



Name: Joey Chatterjee,
Partner



Place: Kolkata

Date: 20.07.2023