R. L. GAGGAR B. A. (Hons) LL.B.

Solicitor & Advocate

TÉMPLÉ CHAMBERS

6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001

Phone

(Unice) ; 2230-7326, 2248-4933 / 5478 : 3028 4933 / 34 / 36

Resi 2287-5905 / 3891 : +91-33-3028 4938 Fax E-mail: rl\_gaggar@hotmail.com

Dated.

PRELIMINARY REPORT ON TITLE

RE: MUNICIPAL PREMISES NO.14A DEBENDRA LAL KHAN ROAD, P.S. BHOWANIPORE, KOLKATA 700 025 UNDER WARD NO. 71

## I. **TITLE BACKGROUND**

1.1 By an Indenture of Conveyance dated 15<sup>th</sup> July 1909 and made between Hari Charan Bose therein referred to as the Vendor and Sir Apcar Alexander Apcar Kt. (then Apcar Alendander Apcar) and Arthur George Holdsworth Machpherson two of the then Stewards of the Calcutta Turf Club therein referred to as the Purchasers and registered at the office of the District Sub Registrar, Alipore, in Book No. I Volume No. 37 Pages 165 to 169 Being No.2162 for the year 1909 the said Hari Charan Bose for the consideration therein mentioned sold transferred and conveyed unto and in favour of the said Sir Apcar Alexander Apcar Kt. and Arthur George Holdsworth Machpherson as agents and trustees of The Calcutta Turf Club in trust and for the benefit of The Calcutta Turf Club ALL THAT the piece and parcel of land hereditaments and premises containing by estimation an area of 01 Bigha 03 cottahs 13 chittacks and 15 sq.ft. more or less situate lying at and being Municipal Premises Nos. 10/2, 11 and 11/1 Goaltuli Road within the limits of the town of Calcutta Thana Bhowanipore Mouza Kansaripara within Division VI Sub-Division C forming part of Holding No.12 in the District of South 24 Parganas (then 24 Parganas) together with the buildings and structures thereat absolutely and forever

1.2 By an Indenture of Conveyance dated 5th April 1911 and made between Surendra Nath Banerjee and Nagendra Nath Banerjee therein collectively referred to as the Vendors and the said Sir Apcar Alexander Apcar Kt. (then Apcar Alendander Apcar) and Sir Charles Henry Kesteven Kt. (then Charles Henry Kesteven) two of the then Stewards of the Calcutta Turf Club therein referred to as the Purchasers and registered at the office of the Registrar of Assurances, Calcutta in Book No. I Volume No. 17 Pages 286 to 292 Being No.940 for the year 1911 the said Surendra Nath Banerjee and Nagendra Nath Banerjee for the consideration therein mentioned sold transferred and conveyed unto and in favour of the said Sir Apcar Alexander Apcar Kt. and Sir Charles Henry Kesteven Kt. as agents and trustees of The Calcutta Turf Club in trust and for the benefit of The Calcutta Turf Club FIRSTLY ALL THAT the piece and parcel of land containing by estimation an area of 07 cottahs 11 chittacks and 30 sq.ft. more or less situate lying at and being

R. L. GRGGRR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001 Phone : 3028 4933 / 34 / 36

Resi : 2287-5905 / 3891 Fax : +91-33-3028 4938 E-mail : rl\_gaggar@hotmail.com

Ref. No.

Municipal Premises Nos. 10/1 Goaltuli Road AND SECONDLY ALL THAT the piece and parcel of land cotnaining an area of 09 cottahs 11 chittacks and 40 sq.ft. more or less situate lying at and being Municipal Premises No.10/4 Goaltuli Road both within the limits of the town of Calcutta Thana Bhowanipore Mouza Kansaripara within Division VI Sub Division C forming part of Holding No.12 in the District of South 24 Parganas (then 24 Parganas) together with the buildings and structures thereat absolutely and forever

- By an Indenture of Conveyance dated 30th July 1912 and made between 1.3 Baroda Prosad Roy Chaudhury therein referred to as the Vendor and the said Sir Apcar Alexander Apcar Kt. (then Apcar Alendander Apcar) and the said Arthur George Holdsworth Macpherson two of the then Stewards of the Calcutta Turf Club therein referred to as the Purchasers and registered at the office of the Sub Registrar, Alipore in Book No. I Volume No. 23 Pages 135 to 137 Being No. 2102 for the year 1912 the said Baroda Prosad Roy Chaudhury for the consideration therein mentioned sold transferred and conveyed unto and in favour of the said Sir Apcar Alexander Apcar Kt. and Arthur George Holdsworth as agents and trustees of The Calcutta Turf Club in trust and for the benefit of The Calcutta Turf Club ALL THAT the piece and parcel of land containing by estimation an area of 08 chittacks and 30 sa.ft. more or less situate lying at and being Municipal Premises Nos. 12 Goaltuli Road within the limits of the town of Calcutta Thana Bhowanipore Mouza Kansaripara within Division VI Sub Division C forming part of Holding No.12 in the District of South 24 Parganas (then 24 Parganas) together with the buildings and structures thereat absolutely and forever
- 1.4 The said Sir Apcar Alexander Apcar kt. Died on 17<sup>th</sup> April 1913
- 1.5 The said Arthur George Holdsworth Macpherson retired from British India and ceased to be a steward of the said Club
- 1.6 The said Calcutta Turf Club was renamed "The Royal Calcutta Turf Club (and hereinafter referred to as the **Club**)
- 1.7 The above mentioned contiguous premises No.10/2, 11, 11/1, 10/1 and 10/4 Goaltuli Road and the said 8 chittacks 30 sq.ft. of landed property containing in aggregate an area of 02 Bighas 01 cottahs 134 chittacks and 25 sq.ft. (more or less) were amalgamated and renumbered by the Corporation of Calcutta as it was then known (now the Kolkata Municipal Corporation) as Premises No.11 Goaltuli Road, Calcutta
- 1.8 By an Indenture of Conveyance dated 17<sup>th</sup> February 1921 and made between the Corporation of Calcutta therein referred to as the Coprporation and the said Sir Charles Henry Kesteven Kt. And The Honourable Mr. Justice Babington Bennett Newbould, two of the then Stewards of the Royal Calcutta Turf Club therein referred to as the Purchasers and registered at the office of the District Sub Registrar, Alipore in Book No. I Volume No. 4 Pages 196 to 200 Being No. 938

1

R. L. GAGGRR 8. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001

Phone Resi : 3028 4933 / 34 / 36 : 2287-5905 / 3891

: +91-33-3028 4938 Fax

E-mail: rl\_gaggar@hotmail.com

Ref. No.

Dated.

for the year 1921 for the consideration therein mentioned the said Corporation of Calcutta granted sold conveyed and transferred unto and in favour of the said Sir Charles Henry Kesteven Kt. And The Honourable Mr. Justice Babington Bennett Newbould as agents and trustees of The Royal Calcutta Turf Club in trust and for the benefit of The Calcutta Turf Club ALL THAT the piece and parcel of revenue free land containing by estimation an area of 04 cottahs 05 chittacks and 24 sq.ft. (more or less) within the municipal limits of the town of Calcutta and adjoining the said amalgamated Premises No.11 Golatuli Road on the west thereof, Calcutta, Thana Bhowanipore, Mouza Bhowanipore Division VI Sub Division A forming part of Holding No.1 in the District of South 24 Parganas (then 24 Parganas) together with the buildings and structures thereat absolutely and forever

- The above mentioned amalgamated premises No.11 Goaltuli road 1.9 measuring 02 Bighas 01 cottah 13 chittacks and 25 sq.ft (more or less and the said adjoining 04 cottahs 05 chittacks and 24 sq.ft. (more or less) landed property containing in aggregate an area of 02 Bighas 06 cottahs 03 chittacks and 04 sq.ft. (more or less) were amalgamated and renumbered by the then Corporation of Calcutta and numbered as Municipal Premises No.6/1/1 Bhowanipore Road, Thana Bhowanipore, Calcutta in the District of South 24 Parganas (then 24 Parganas)
- The said Sir Charles Henry Kesteven kt. Died on 13th January 1923 1.10
- The said The Honourable Mr. Justice Babington Bennott Newbould 1.11 retired from British India in the year 1927 and ceased to be a steward of the said Club
- By an indenture of Appointment of New Trustees dated 21st February 1.12 1928 and made between Charles Gordon Arthur, Alfred Jahes Chatzner, Harold Collmann Edmondson, Ernest Richard Hartley and Charles de-Montmorency Kellow the then five stewards of the said Club of the One Part and the said Harold Collmann Edmondson and the said Charles de-Montmorency Kellow of the Other Part and registered at the office of the Registrar of Assurances, Calcutta in Book no. I Voluem no. 56 Pages 214 to 227 Being No. 2178 for the year 1928 the five stewards namely Charles Gordon Arthur and others as such stewards as aforesaid acting in the management of the affairs of the said Club appointed the said Harold Collmann Edmondson and the said Charles de-Montmorency Kellow to be the trustees for the said Club for the said 04 cottahs 05 chittacks 24 sq.ft. landed property acquired by the said Indenture dated 17th February 1921 in place of the said Sir Charles Henry kesteven Kt. And The Honourable Mr. Justice Babington Bennott Newbould being the earlier trustees to the intent that the said 04 cottahs 05 chittacks 24 sq.ft. landed property (adjacent to the said amalgamated premsies No.11 Goaltuli Road, Calcutta) would become vested in the said Harold Collmann Edmondson and the said Charles de-Montmorency Kellow as such trustees as aforesaid

R. L. GAGGAR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001

(Onice): 2230-7326, 2246-4933 / 5478 3028 4933 / 34 / 36

Phone Resi

Fax

: 2287-5905 / 3891 : +91-33-3028 4938 E-mail: rl\_gaggar@hotmail.com

Ref. No.

Dated.

By an indenture of Transfer and Release dated 12th February 1932 and 1.13 made between the said Harold Collmann Edmondson and the said Charles de-Montmorency Kellow being the Trustees for trustees for the said Club for the said 04 cottahs 05 chittacks 24 sq.ft. landed property acquired by the said Indenture dated 17th February 1921 therein referred to as the Vendors/Assignors of the One Part and Turf Properties Limited (now known as Turf Properties Private Limited)of the Other Part and registered at the office of the Registrar of Assurances, Calcutta in Book No. I Volume No.22 Pages 125 to 131 Being No.518 for the year 1932 for the consideration therein mentioned the said Harold Collmann Edmondson and the said Charles de-Montmorency Kellow transferred assigned and released unto and in favour of Turf Properties Ltd the said 04 cottahs 05 chittacks 24 sq.ft. landed property acquired by the said Indenture dated 17th February 1921 unto and in favour of the said Turf Properties Ltd for and on behalf of the members of member for the time being of the said Club and its assigns upon such trusts.

By a Deed of Declaration dated 31st May 1932 and registered at the office of the Registrar of Assurances, Calcutta in Book No. I Volume No.66 Pages 79 to 82 Being No. 2173 for the year 1932 the said Turf Properties Limited declared and confirmed that they did stand seized and possessed of the said 04 cottahs 05 chittacks 24 sq.ft. landed property acquired by the said Indenture dated 17th February 1921 in trust for the member or members for the time being of the said Club and its assigns

1.15 The then five stewards of the said Club namely Charles Gordon Arthur. Thomas Edgar Carrie, David John Leckie, Gilbert Proby Mackenzie and Reginald Alfred Tower acting in the management and affairs of the said Club by a Deed of Appointment and Transfer and Released dated 22<sup>nd</sup> December 1933 and made between themselves of the One Part and Turf Properties Limited of the Other part and registered at the office of the Registrar of Assurances, Calcutta in Book No. I Volume No.25 Pages 21 to 31 Being No. 69 for the year 1934 appointed the said Turf Properties Limited to be the trustee for the said Club for the above mentioned amalgamated premises No. 11 Goaltuli Road, Calcutta measuring 02 Bighas 01 cottah 13 chittacks and 25 sq.ft. more or less in place of the said Sir Apcar Alexander Apcar Kt. And Arthur George Holdsworth Macpherson or the said Sir Apcar Alexander Apcar Kt.I and Sir Charles Henry Kesteven kt. As the case may be to the intent that the said amalgamated premises No.11 Goltuli road would thenceforth stand vested in Turf Properties Limited absolutely and forever for and on behalf of the member or member for the time being of the said Club and its assigns upon such trusts.

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001 Phone : 3028 4933 / 34 / 36 Resi : 2287-5905 / 3891

Fax : +91-33-3028 4938 E-mail : rl\_gaggar@hotmail.com

Ref. No.

Dated.

1.16 The said amalgamated Premises No.11 Goaltuli Road, Calcutta measuring 02 bighas 01 cottah 13 chittacks 25 sq.ft. more or less and the said 04 cottahs 05 chittacks 24 sq.ft. landed property acquired by the said Indenture dated 17<sup>th</sup> February 1921 from the Corporation of Calcutta as hereinbefore recited were amalgmated and renumbered by the then Corporation of Calcutta as Municipal Premises No.6/1/1 Bhowanipore road, Calcutta and upon survey and actual measurement was found to contain an area of 02 bighas 05 cottahs 07 chittacks and 34 sq.ft. (more or less) in place of 02 bighas 06 cottahs 03 chittacks and 03 sq.ft. more or less and was subsequently renumbered by the then Corporation of Calcutta as Municipal Premises No. 14A Debendra Lal Khan Road, Kolkata (FREE HOLD PROPERTY)

By an Agreement for Sale and Assignment dated 30th August 2007 and 1.17 registered at the office of the Additional Registrar of Assurances-I, Kolkata in Book No. I CD Volume No.63 Pages 5402 to 5430 Being No.2132 for the year 2008 the said Turf Properties Pvt Ltd (formerly Turf Properties Limited) therein referred to as the Seller of the One Part and Damodar Ropeways and Construction Company Pvt Limited, Indian Ropeways and Engineering Company Pvt Ltd and the Owners Nos. 2 to 9 namely (1) ACCURATE REAL ESTATES PRIVATE LIMITED (2) SPLASH PROPERTIES PVT LTD (3) ABUNDANT PROPERTIES PVT LTD (4) SEED PROPERTIES PRIVATE LIMITED (5) KING PROPERTIES PVT LTD (6) MASON BUILDCON PRIVATE LIMITED (7) PANSY NIRMANS PRIVATE LIMITED and (8) TECHSERVE TELE SERVICES PRIVATE LIMITED therein collectively referred to as the Purchases/Assignees of the Other Part recorded and declared the terms and conditions agreed for transfer of the said freehold property and the adjacent and contiguous land measuring 05 cottahs 08 chittacks on the west thereof belonging to the Kolkata Municipal corporation by the said Turf Properties Pvt Ltd to the Purchasers/Assignees, inter alia as follows:

- (i) The said Turf Properties Pvt Ltd would sell and the Purchasers/Assignees thereto would purchase the said freehold property measuring 02 bigahs 05 cottahs 07 chittacks 34 sq.ft. (more or less) in equal 1/10<sup>th</sup> (one tenth) undivided share therein at and for a consideration of Rs. 11,61,00,000.00 (Rupees eleven crores sixty one lacs) only paid by the Purchasers/Assignees thereto theretofore in equal shares
- (ii) Upon the Kolkata Municipal Corporation executing and registering a long term lease of All that the piece and parcel of land measuring 05 cottahs 08 chittacks adjoining the freehld premises on the west thereof and abutting D.L. Khan Road (LEASEHOLD PROPERTY) in favour of the said Turf Properties Pvt Ltd and the said Turf Properties Pvt Ltd would

R. L. GRGGRR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001 Phone : 3028 4933 / 34 / 36

Resi : 2287-5905 / 3891 Fax : +91-33-3028 4938 E-mail : rl\_gaggar@hotmail.com

Ref. No.

Dated. assign and transfer to the said Purchasers/Assignees thereto its leasehold interest in the said landed property in favour of the Purchases/Assignees thereto in equal 1/10 undivided share therein at and for the premium of selami of Rs. 64,00,000/- (Rupees sixty four lacs only)

(iii) The Purchases/Assigneees thereto would be entitled to cause to be prepared plan for undertaking construction of new building or buildings at the said freehold property and to submit the same for sanction in the name of the said Turf Properties Pvt Ltd and obtain such sanction

(iv) The said agreement for sale and assigned dated 30<sup>th</sup> August 2007 would supercede all previous agreements arrangements understandings and any other instrument executed between the parties thereto

1.18 As so agreed under the said Agreement for Sale and Assignment dated 30<sup>th</sup> August 2007 the said Turf Properties Pvt Ltd executed powers of attorney in favour of the nominees of the Purchasers/Assignees to the said Agreement for Sale and Assignment in respect of the said Freehold Property and the said leasehold property as follows:

- (a) Power of Attorney dated 30<sup>th</sup> August 2007 registered at the office of the Additional Registrar of Assurances-III, Kolkata in Book IV Volume No.80 Pages 325 to 328 Being No.4944 for the year 2007 appointing Sri Mohan Lal Rathi son of Sri Manik Lal Rathi then residing at 10/66 Brijdham Housing Complex, Sribhumi, 255 Canal Street, Kolkata 700 048 and Sri Suresh Kumar Jalan son of Sri Shyam Sunder Jalan then residing at 3 Syed Salley Street, Kolkata 700073 jointly and severally to be its true and alwful attorneys to do necessary acts deeds and things and to execute and register the conveyance and conveyances in favour of the buyer or buyers in respect of the said freehold property or portion thereof
- (b) Power of Attorney dated 30<sup>th</sup> August 2007 registered at the office of the Additional Registrar of Assurances-III, Kolkata in Book IV Volume No.80 Pages 329 to 334 Being No.4943 for the year 2007 appointing Sri Chandra Prakash Rathi son of Sri Dau Lal Rathi then residing at 5/1 Ballygunge Place, Kolkata 700 019 and the said Sri Suresh Kumar Jalan attorneys jointly and severally to be its true and alwful attorneys to do necessary acts deeds and things and to execute and register for and on behalf of Turf Properties Pvt Ltd the lease to be granted by the Kolkata Municipal Corporation in favour of Turf Properties Ltd in respect of the leasehold property and to execute and registered Deed of Sub Lease and/or Deeds of Assignment of the whole or any portion of the said Leasehold Property

8

R. L. GRGGRR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6. OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001

(Office): 2230-7326, 2248-4933 / 5478 : 3028 4933 / 34 / 36

Phone Resi

Fax

: 2287-5905 / 3891 ; +91-33-3028 4938 E-mail: rl\_gaggar@hotmail.com Ref. No.

Dated.

Pursuant to the said Agreement for Sale and assignment dated 30<sup>th</sup> 1.19 August 2007, the said Turf Properties Pvt Ltd delivered complete vacant possession of the said Freehold property as well as the said 05 cottahs 08 chittacks landed property in favour of the Purchasers/Assignees thereunder

- By a Deed of Lease dated 16th May 2011 and made between the Kolkata 1.20 Municipal Corporation therein referred to as the Vendor/Assignor and the said Turf Properties Pvt Ltd the trustee for the said Royal Calcutta Turf Club therein referred to as the Lessee and registered at the office of the Additional Registrar of Assurances-I, Kolkata in Book No. I CD Volume No.11 Pages 4227 to 4242 Being No.04631 for the year 2011 for the salami and/or premium of Rs. 64,00,000/- (Rupees sixty four lacs only) and for the annual rent of Re.1/- thereby reserved demised unto and in favour of the said Turf Properties Pvt Ltd ALL THAT the abovementioned Leasehold Property being the piece and parcel of land measuring 05 cottahs 08 chittacks adjacent and contiguous to the said Freehold Premises being Premises No.14A D.L. Khan road, Kolkata for a term of 99 years with effect from 13th March 1999 with the option to renew the same for two further terms of 99 years each together with the right to cause the said leasehold property to be amalgmated with the said freehold property and to cosnsume the available FAR of the leasehold property for the purpose of construction of the new building at the said freehold premises. Under the said Deed of lease dated 16<sup>th</sup> May 2011 the said Turf Properties Pvt Ltd thus became entitled to assign, transfer, mortgagte, charge and/or in anyway encumber or deal with or dispose of its leasdehold interest in the said leasehold property or any part or portion thereof
- 1.21 The said Leasehold Property measuring 05 cottahs 08 chittacks after the grant and demise thereof by Kolkata Municipal Corporation has since been numbered as Municipal Premises N0.14A/1 D.L. Khan road. Kolkata 700 005
- By an Order dated 7th July 2011 passed in Company Petition no.96 of 1.22 2011 connected with Company Application No. 978 of 2010 under Section 391(2) and 394 of the Companies Act 1956 passed by the Hon'ble High Court Calcutta amongst other transferor companies the said Damodar Ropeways & Construction company Private Limited was amalgamaged with the said Indian Ropeways & Engineering Company Limited and all assets liabilities, rights and benefits and effect of amongst other transferor companies, the said Damodar Ropeways & Construction Company private Limited stood vested and transferred in Indian ropeways without any further act deed or thing from 1<sup>st</sup> April 2010 being the appointed date and accordingly Indian Ropeways & Engineering Company Limited became entitled to the share rights title and interest whatsoever of the said Damodar Ropeways & Construction Pvt Ltd into and upon the said freehold premises and the said leasehold premises

R. L. GRGGRR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001

: 3028 4933 / 34 / 36 Phone

: 2287-5905 / 3891 Resi Fax : +91-33-3028 4938 E-mail: rl\_gaggar@hotmail.com

Ref. No.

Dated.

1.23 The name of the said Indian Ropeways & Engineering Company Limited has been changted to Damodar Ropeways & Infra Limited on and with effect from 30th June 2011 and a fresh certificate of incorporation has been granted by the Registrar of Companies, West Bengal

- The said Freehold property being Premises No.14A D.L. Khan Road, Kolkata measuring 02 bighas 05 cottahs 07 chittacks and 34 sq.ft, more or less and the said Leasehold Property being Premises No.14A/1 D.L. Khan Road, Kolkata measuring 05 cottahs 08 chittacks more or less have since been amalgamated and renumbered or continues to be numbered as Municipal Premises No.14A D.L. Khan road containing in aggregate an area of 02 bighas 10 cottahs 15 chittacks and 34 sq.ft. (more or less) ( PREMISES)
- By a Deed of Conveyance and Assignment dated 6th June 2013 and 1.25 made between Turf Properties Pvt Ltd therein referred to as the Vendor/Assignor of the One Part and the Owners herein therein collectively referred to as the Purchasers/Assignees of the Otehr Part and registered at the office of the Additional Registrar of Assurances-I, Kolkata in Book No. I CD Volume No.10 Pages 11636 to 11667 Being No. 05568 for the year 2013 the said Turf Properties Pvt Ltd for the consideration therein mentioned sold transfered conveyed and assigned unto and in favour of the Owners herein the entirety of the said Premises
- 1.26 In the events as hereinbefore recited the Owners namely (1) **DAMODAR ROPEWAYS & INFRA LTD** (2) ACCURATE REAL **ESTATES PRIVATE LIMITED** (3) SPLASH PROPERTIES PVT LTD (4) ABUNDANT PROPERTIES PVT LTD (5) SEED PROPERTIES PRIVATE LIMITED (6) KING PROPERTIES PVT (7) MASON BUILDCON PRIVATE LIMITED (8) PANSY NIRMANS PRIVATE LIMITED and (9) TECHSERVE TELE SERVICES PRIVATE LIMITED (OWNERS) are thus absolutely seized and possessed of and/or otherwise well and sufficiently entitled to the said Premises, free from all encumbrances, charges, liens, lispendens, attachments, trusts whasoever or howsoever each of the Owners being entitled to an independent and distinct share or interest into or upon the said Premises
- 1.27 With the intent of undertaking development of the said Premises the Owners had obtained necessary consent of the Bharat Sanchar Nigam Limited, Office of the Chief General manager, Telecom Projects E/Zone, Microwave Survey Division vide their letter dated 6th September 2007 signed by the Divisional Engineer, Telecom, Microwave Survey Division, Calcutta and also obtained necessary permission from Kolkata Improvement Trust vide their letter dated 2<sup>nd</sup> August 2007. The Owners have also obtained consent of the Airport Authority of India and also from the Competent Authority under the Urban Ceiling & Regulation Act 1976 for the purpose of construction of a new building at the said Premises

R. L. GAGGAR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET. 3RD FLOOR, KOLKATA - 700 001

(Office): 2230-7326, 2248-4933 / 5478

3028 4933 / 34 / 36 Phone Resi : 2287-5905 / 3891

: +91-33-3028 4938 Fax E-mail: rl\_gaggar@hotmail.com

Ref. No.

Dated.

### II. SEARCHES

- 2.1 We have taken the root of the title for the last more than fifty years, which according to us is guite safe in as much as the details of many of the entries including the death of various persons are not likely to be available.
- 2.2 We had caused Searches to be carried out by Mr. Phalguni Bag, Advocate, High Court, Calcutta.
- 2.3 **REGISTRAR OF ASSURANCES, KOLKATA** – Searches were carried out by Mr. Bag at the office of the Registrar of Assurances, Kolkata from 1950 till date in its Index II and Computer records and the following entries have been found:

<u>Year</u>	Book No.	Volume No.	<u>Pages</u>		Being No.
2008	I	I	1 to 6		11099 (Declaration)
2011	I	11	4227 4242	to	4631 (Lease)
2013	I	10	11636 11667	to	5568 (Sale)

It would be pertinent to mention here that the Index II in respect of the entries from the year 1958 to 2001 are in torn and tattered condition and as such the details of the documents registered during this period, if any, could not be ascertained.

### 2.4 **DISTRICT REGISTRY OFFICE, ALIPORE**

Mr. Bag also carried out searches at the office of the District Registry Office, Alipore from the year 1950 till date in its index II and Computer Information records and no entries have been found. It is pertinent to note that the records of Index II for the years 1950 till 2011 are in torn and tattered condition and as such the details of documents registered during this period, if any, could not be ascertained.

## 2.5 ADDITIONAL DISTRICT SUB REGISTRY OFFICE, ALIPORE

Mr. Bag also carried out searches at the above office from the period 1950 till date in its Index II and Computer Information records. No entries have been found. It is pertinent to note that the records of Index II for the years 1950 till 2001 are in torn and tattered condition and as such the details of documents registered during this period, if any, could not be ascertained.

#### 2.6 ASSESSMENT COLLECTION <u>DEPARTMENT,</u> **MUNICIPAL CORPORATION**

Mr. Bag also visited the office of the Assessment Collection Department, Kolkata Municipal Corporation to ascertain as to whether there are any outstanding taxes in respect of the above premises which is assessed under Assessee No. 110711000150 and the above premises stands recorded in the names of the Owners. It appears that there all rates and taxes in respect of the said Premises has been paid and nothing is due and payable. Mr. Bag was also given to understand that the hearing of the General Revaluation of the Proprerty has been completed upto 4<sup>th</sup>  $\mathcal{V}_{\wedge}$  R. L. GAGGAR B. A. (Hons) LL.B. Solicitor & Advocate

TEMPLE CHAMBERS 6, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700 001 (Onico) . 2230-1320, 2240-493313416

Phone : 3028 4933 / 34 / 36 Resi : 2287-5905 / 3891

Resi : 2287-5905 / 3891 Fax : +91-33-3028 4938 E-mail : rl\_gaggar@hotmail.com

Ref. No.

Dated.

## III. CERTIFICATION

3.1 After perusing the papers and documents made available and from the Searches carried out by Mr. Bag we are of the firm opinion that the said Premises is free from all encumbrances and charges and the present Owners have a marketable title.

# IV. OBSERVATIONS

- 4.1 Court Searches are in progress. Court Searches are to be carried out at the District Court at Alipore, South 24 Parganas as well as at the office of the Sheriff at Kolkata
- 4.2 The originals of the Title deeds should be inspected.
- 4.3 The charge/s created by the Owner companies should also be inspected.

R.L. GAGGAR

**SOLICITOR & ADVOCATE** 

Dated: 28th November 2013