

(All columns/items are to be completed/commented by the panel advocate)

1.	a) Name of the Branch/ Business Unit/Office seeking opinion.	SBI Sriniketan Branch, Dist. Birbhum.
	b) Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	
	c) Name of the Borrower/owners	This TIR is conducted for approval of 7 nos. of G+1 storied residential building, (each containing 4 Flats) totaling 28 Flats as per sanctioned Plan in the residential complex named 'ARONYO NEER'. Builder is "M/s. Trikal Contractors & Developers" and the owner is Smt. Jayati Das.
2.	a) Name of unit/concern/company/person offering the property/(ies) as security.	Not Applicable
	b) Constitution of the unit/concern/person/body/ authority offering the property for creation of charge.	Not Applicable
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	Not Applicable
3.	Complete or full description of the immovable property/(ies) offered as security including the following details.	Dist. Birbhum, Sub-Dvn. & ADSR Office- Bolpur, Mouza- Dwaronda, J.L. no. 129, R.S. Khatian no. 309, 438, 449 & 797, Present L.R. Kh. no. 474, R.S. & L.R. Plot No. 5 & 15, Class-Bastu, Land area- more or less- 65 dec., Under Illambazar Gram Panchayat.
	a) Survey No.	N.A.

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	c) Extent/area including plinth/built up area in case of house property	N.A. a/p- vacant land
	d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries	Village-Dwaranda (near-Chowpahari Jungle), P.S. Illambazar, Sub-Dvn. & ADSR Office-Bolpur, Dist. Birbhum.
4.	a) Particulars of the documents scrutinized-serially and chronologically.	1) Regd. Deeds of sale, 2) L.R Parcha, 3) Govt. Khajna Receipt, 4) Panchayat Tax Receipt, 5) Building plan, 6) Conversation Certificate, 7) Development Agreement, 8) General Power of Attorney, 9) Deed of Partnership, 10) Admission & Retirement of Partnership Deed, 11) Deed of Partnership, 12) Deed of Revocation Of Power of Attorney, 13) Plot Information etc.
	b) Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified. Note : Only originals or certified extracts from the registering/land/revenue/other authorities be examined.	Original documents are verified.

Sl. No	Date	Name/Nature of the Document	Original /certified copy/ certified extract/photocopy etc.	In case of copies, whether the original was scrutinized by the Advocate
1)	26.07.1991	Regd. Deeds of sale-8442 & 8443	Photocopy	Verified with original
2)	12.08.2016	L.R. Parcha Khatian No.474	- Do -	
3)	11.06.2018	Govt. Khajna Receipt-3865958	- Do -	
4)	20.03.2016	Panchayat Tax Receipt- 30111	- Do -	
5)	29.03.2017	Building plan & Permit	- Do -	
6)	21.08.2014	Conversion Case No. Con/III/15/2014	- Do -	
7)	10.10.2013	Regd. Development Agreement	- Do -	
8)	10.10.2013	General Power of Attorney	- Do -	

  
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9)	29.06.2017	Regd. General Power of Attorney	- do -
10)	30.07.2014	Regd. Admission & Retirement of Partnership Deed	- Do -
11)	17.08.2013	Deed of Partnership	- Do -
12)	29.06.2017	Deed of Revocation of Power of Attorney	- Do -
13)	30.01.2017	Plot Information	- Do -
14)	06.09.2018	Certified copy of Deed no.8442/18 and 8443/18	- Do -
15)	14.09.2018	Plot Information	- Do -
5.	<p>Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.)</p> <p>b) i) Whether all pages in the certified copies of title documents which are obtained directly from sub-Register's office have been verified page by page with the original documents submitted?</p> <p>b) ii) Where the certified copies of the title documents are not available, the copy provided should be compared with the original to ascertain whether the total page numbers in the copy tally page by page with the original produced.</p> <p>( In case originals title deed is not produced for comparing with the certified or ordinary copies should be handled more diligently &amp; cautiously).</p>		<p>Certified copy of the title deed is obtained from the relevant sub-registrar office and compared with the documents made available.</p> <p>All pages in the certified copy of title document which is obtained directly from sub- Register's office have been verified page by page with the original documents.</p> <p>Not Applicable</p>
6.	<p>a) Whether the records of registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system?</p>		<p>Records of the relevant property are available in the Revenue Authority and also available for verification through online portal or computer system.</p>

  
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	b) If such online/computer records are available, whether any verification or cross checking are made and the comments/findings in this regard.	Cross checking is made
	c) Whether the genuineness of the stamp paper is possible to be got verified from any online portal and if so whether such verification was made?	Stamp Papers of the Title Deeds are verified and the same are genuine.
7.	a) Property offered as security falls within the jurisdiction of which sub-registrar Office?	Under ADSR Office Bolpur
	b) Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/district registrar/registrar-general, if so please name all such offices?	Yes, A.D.S.R. Office Bolpur, DSR Suri, Birbhum, R.A. & A.R.A. Kolkata.
	c) Whether search has been made at all the offices named at (b) above?	Searched at ADSR office Bolpur, DSR Suri, Birbhum, R.A. & A.R.A. Kolkata.
	d) Whether the searches in the offices or registering authorities or any other records reveal registration of multiple title documents in respect of the property in question?	No,
8.	Chain of title tracing the title from the oldest title deed to the latest title deed establishing title of the property in question from the predecessors in title/ interest to the current title holder. And wherever Minor's interest or other clog on title is involved, search should be made for a further period depending on the need for clearance of such clog on the Title  <b>In case of property offered as security for loans of Rs. 1.00 crore and above, search of title/ encumbrances for a period of not less than 30 years is mandatory. (Separate Sheets may be used)</b>	Present owner <b>Smt. Jayati Das</b> w/o. Sri Rajat Kanti Das, resident of 18/2, Bakrahat Road, Thakurpukur P.S. Thakurpukur, Dist. Kolkata, W. B., became owner of the schedule property by way of Purchase through regd. Sale Deed being no.8443/1991, registered on 26.07.1991 at A.D.S.R. Office Bolpur, Birbhum, from 1) Sri Ramkinkar Bhattacharya, 2) Sri Haradhan Bhattacharya and 3) Sri Hara Kumar Bhattacharya, sons of Late Abimukteswar Bhattacharya, residents of Vill. & P.O. Dwaranda, P.S. Illambazar, Dist. Birbhum. They got the same by way of inheritance. Said Smt. Jayati Das also got schedule property by way of purchase through another regd. Sale Deed being no. 8442/1991 of A.D.S.R. Office Bolpur, Birbhum, from. Sri Mrinal Kanti Pal s/o. Sri

  
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		P.O. Dwaranda, Dist. Birbhum. And said Sri Mrinal Kanti Pal got said property by way of purchase through regd. Sale Deed no.9819/1990 from Sri Deb kr. Majumder of Bolpur.
9.	Nature of Title of the intended Mortgagor over the Property (Whether full ownership rights, Leasehold Rights, Occupancy/ Possessory Rights or Inam Holder of Govt. Grantee/Allottee etc)	Full ownership rights.
10.	If leasehold, whether ;	Not Applicable
	a) Lease Deed is duly stamped and registered	N.A.
	b) Lessee is permitted to mortgage the Leasehold right	N.A.
	c) Duration of the Lease/ unexpired period of lease	N.A.
	d) If a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	N.A.
	e) Whether the leasehold rights permits for the creation of any superstructure (if applicable)	N.A.
	f) Right to get renewal of the leasehold rights and nature thereof	N.A.
11.	If Govt. grant/allotment/Lease-cum/ Sale Agreement, whether	Not Applicable
	Grant / agreement etc. provides for alienable rights to the mortgagor with or without conditions.	N.A.
	The mortgagor is competent to create charge on such property	N.A.
	Whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	N.A.
12.	If occupancy right, whether ;	N.A.
	a) Such right is heritable and transferable,	N.A.
	b) Mortgage can be created	N.A.
13.	Nature of Minor's interest if any and if so whether creation of mortgage could be possible, the modalities/procedure to be followed including court	No, there is no minor's interest in the property.

  
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	modalities/procedure to be followed including court permission to be obtained and the reasons for coming to such conclusion.	
14.	If the property has been transferred by way of Gift/ Settlement Deed, whether :	No, Not Applicable
	a) The Gift/ Settlement Deed is duly stamped and registered ;	N.A.
	b) The Gift/Settlement Deed has been attested by two witnesses ;	N.A.
	c) The Gift/ Settlement Deed transfers the property to Donee ;	N.A.
	d) Whether the Donee has accepted the gift by signing the Gift/ Settlement Deed or by a separated writing or by implication or by actions ;	N.A.
	e) Whether there is any restriction on the Donor in execution the gift/settlement deed in question ;	N.A.
	f) Whether the Donee is in possession of the gifted property ;	N.A.
	g) Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage ;	N.A.
	h) Any other aspect affecting the validity of the title passed through the gift/settlement deed	N.A.
15.	a) In case of partition/ family settlement deeds, whether the original deed is available for deposit. If not the modality/ procedure to be followed to create a valid and enforceable mortgage.	Not Applicable
	b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	N.A.
	c) Whether the partition made is valid in law and the mortgagor has acquire a mortgage able title thereon	N.A.
	d) In respect of partition by decree of court, whether such decree has become final and all other conditions/formalities are completed/complied with	N.A.
	e) Whether any of the documents in question are executed in counterparts or in more than one set? If so,	N.A.

	additional precautions to be taken for avoiding multiple mortgages?	
16.	Whether the title documents include any testamentary documents / wills? a) In case of wills, whether the will is registered will or unregistered will?	Not Applicable, there is no WILL or testamentary documents in the title documents.
	b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	N.A.
	c) Whether the property is mutated on the basis of will?	N.A.
	d) Whether the original Will is available?	N.A.
	e) Whether the original death certificate of the testator is available?	N.A.
	f) What are the circumstances and/or documents to establish the will in question is the last and final will of the testator? (Comments on the circumstances such as the availability of a declaration by all the beneficiaries about the genuineness/ validity of the will, all parties have acted upon the will, etc., which are relevant to rely on the will, availability of Mother/ Original title deeds are to be explained.)	N.A.
17.	a) Whether the property is subject to any wakf rights?	No
	b) Whether the property belongs to church/temple or any religious/other institutions having any restriction in creation of charges on such properties?	N.A.
	c) Precautions/Permissions, if any in respect of the above cases for creation of mortgage?	N.A.
18.	a) Where the property is HUF/joint family, property, mortgage is created for family benefit/legal necessity, whether the Major Coparceners have no objection/ join in execution minor's share if any, rights of rights	N.A.

	of female members etc.	
	b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?	N.A.
19.	a) Whether the property belongs to any trust or is subject to the rights of any Trust?	No, property is not under Trust property.
	b) Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	N.A.
	c) If so additional precautions/ permissions to be obtained for creation of valid mortgage?	N.A.
	d) Requirements, if any for creation of mortgage as per the central/ state laws applicable to the Trust in the matter.	N.A.
20.	a) If any property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for creation/ enforcement of mortgage.	N.A.
	b) In case of agricultural property other relevant records/ documents as per local laws, if any are to be verified to ensure the validity of the title and right to enforce the mortgage?	N.A.
	c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	Yes, land has been converted into "Bastu".
21.	Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz. Agricultural Laws, weaker Sections, minorities, Land Laws, SEZ regulations, Costal Zone Regulations, Environmental Clearance, etc)	No
22.	a) Whether the property is subject to any pending or proposed land acquisition proceedings?	No
	b) Whether any search/ enquiry is made with the Land	Yes, enquiry has been made.



	of female members etc.	
	b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?	N.A.
19.	a) Whether the property belongs to any trust or is subject to the rights of any Trust?	No, property is not under Trust property.
	b) Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	N.A.
	c) If so additional precautions/ permissions to be obtained for creation of valid mortgage?	N.A.
	d) Requirements, if any for creation of mortgage as per the central/ state laws applicable to the Trust in the matter.	N.A.
20.	a) If any property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for creation/ enforcement of mortgage.	N.A.
	b) In case of agricultural property other relevant records/ documents as per local laws, if any are to be verified to ensure the validity of the title and right to enforce the mortgage?	N.A.
	c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	Yes, land has been converted into "Bastu".
21.	Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz. Agricultural Laws, weaker Sections, minorities, Land Laws, SEZ regulations, Costal Zone Regulations, Environmental Clearance, etc)	No
22.	a) Whether the property is subject to any pending or proposed land acquisition proceedings?	No
	b) Whether any search/ enquiry is made with the Land	Yes, enquiry has been made.

	Acquisition Office and the outcome of such search/enquiry.	
23.	a) Whether the property is involved in or subject matter of any litigation which is pending or concluded?	No
	b) If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?	N.A.
	c) Whether the title documents have any court seal/ marking which points out any litigation/ attachment/ security to court in respect of the property in question? In such case please comment on such seal/ marking.	No.
24.	a) In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Developer is a Partnership Firm but the property is not belongs to the firm.
	b) Property belonging to partners, whether thrown on hotchpotch? Whether formalities for the same have been completed as per applicable laws?	No
	c) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	Yes
25.	a) Whether the property belongs to a Limited Company, check the Borrowing powers, Board resolution, authorization to create mortgage/ execution of documents, Registration of any prior charges with the Company Registrar (ROC), Articles of Association/ provision for common seal etc.	No
	b) i) Whether the property (to be mortgaged) is purchased by the above company from any other Company or Limited Liability Partnership (LLP) firm ? Yes/ No.	No.
	ii) If yes, Whether the search of charges of the property (to be mortgaged) has been carried out with Register of Companies (ROC) in respect of such	Not Applicable

	<p>vendor company / , LLP (seller) and the vendee company (purchaser)?</p> <hr/> <p>iii) Whether the above search of charges reveals any prior charges/encumbrances, on the property (proposed to be mortgaged) created by the vendor company (seller)? Yes / No.</p> <hr/> <p>iv) If the search reveals encumbrances / charges, whether such charges / encumbrances have been satisfied? Yes / No.</p>	<p>No</p> <hr/> <p>No</p>
26.	In case of Societies, Association, the required authority/ power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	Not Applicable
27.	a) Whether any POA is involved in the chain of title?	Yes, <u>there is no POA involved in the chain of title but, henceforth, deed of conveyance will be registered through POA.</u>
	b) Whether the POA involved is one couple with interest, i.e. a Development Agreement-cum-Power of Attorney. If so, please clarify whether the same is a registered document and hence it has created an interest in favour of the builder/developer and as such is irrevocable as per law	POA involved is one couple with interest, i.e. <u>a Development Agreement-cum-Power of Attorney. Those are registered documents and hence it has created an interest in favour of the builder/developer and as such is irrevocable as per law.</u>
	c) In case the title document is executed by the POA holder, please clarify whether the POA involved is(i) one executed by the Builders viz. Companies/ Firms/ Individual or Proprietary Concerns in favour of their Partners/ Employees/ Authorized Representatives to sign Flat Allotment Letters, NOCs Agreements of Sale, Sale Deeds, etc. in favour of buyers of flats/ units (Builder's POA) or (ii) other type of POA (Common POA)	POA holders are <u>Partners of Partnership Firm.</u>
	d) In case of Builder's POA, whether a certified copy of POA is available and the same has been verified/ compared with the original POA	Yes, <u>there is Builder's POA and I have verified the POA.</u>

  
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e) In case of Common POA (i.e. POA other than Builder's POA) please clarify the following clauses in respect of POA.	General POA
i. Whether the original POA is verified and the title investigation is done on the basis of original POA? ii. Whether the POA is a registered one? iii. Whether the POA is a special or general one? iv. Whether the POA contains a specific authority for execution of title document in question?	i) POA is verified, ii) POA is a registered, iii) POA is general, iv) POA contains specific authority for execution of title document
f) Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please clarify whether the same has been ascertained from the office of sub-registrar also?)	f) The POA is in force and not revoked or had become invalid on the date of execution of the document.
g) Please comment on the genuineness of POA? h) The unequivocal opinion on the enforceability and validity of the POA?	POA is genuine POA is enforceable
28. Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extend of the powers given therein and whether the same is properly executed/ stamped/ authenticated in terms of the Law of the place, where it is executed.	Till date no mortgage is being created by a POA holder.
29. If the property is a flat/ apartment or residential/ commercial complex, check and comment on the following :	At present vacant land.
a) Promoter's/ Land owner's title to the land/ building ; b) Development Agreement/Power of Attorney ; c) Extent of authority of the Developer/ builder ; d) Independent title verification of the Land and/ or building in question ; e) Agreement for sale (duly registered) ; f) Payment of proper stamp duty ; g) Requirement of registration of sale agreement. Development agreement, POA, etc. ; h) Approval of building plan, permission of appropriate/ local authority etc.;	a) Land owner's title is good and perfect b) there is POA by the seller c) to sale and develop the property d) verified e) N.A. f) N.A. g) Development agreement and POA are registered. h) Building Plan has been approved by the local authority.

  
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	<p>i) Conveyance in favour of Society/ Condominium concerned ;</p> <p>j) Occupancy Certificate / allotment letter/letter of possession ;</p> <p>k) Membership details in the Society etc.;</p> <p>l) Share Certificates ;</p> <p>m) No Objection Letter from the Society ;</p> <p>n) All legal requirements under the local/ Municipal laws regarding ownership of flats/ Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.;</p> <p>o) Requirements, for noting the Bank charges on the records on the Housing Society, if any ;</p> <p>p) If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any.</p> <p>q) Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc</p>	<p>i) N.A.</p> <p>j) N.A.</p> <p>k) N.A.</p> <p>l) N.A.</p> <p>m) N.A.</p> <p>n) All requirements followed under the local/ Municipal laws regarding ownership of land.</p> <p>o) N.A.</p> <p>p) The property is a vacant land and construction is yet to be made, approval of lay-out is proper</p> <p>q) at present not applicable.</p>
30.	Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof.	Instant Property is free from all encumbrances.
31.	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	30 years
32.	Details regarding property tax or land revenue or other statutory dues paid/ payable as on date and if not paid, what remedy?	Land Revenue and Panchayat tax has paid up-to-date.
33.	a) Urban land ceiling clearance whether required and if so, details thereon.	Not required
	b) Whether No. Objection Certificate under income Tax Act is required/ obtained.	Not required
34.	Details of RTC extracts/mutation extracts/ Katha extracts pertaining to the property in question.	The concerned property stands recorded in the name of the Present owner.
35.	Whether the name of mortgagor is reflected as	Yes, the name of the present owner is reflected in

  
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	owner in the revenue/ Municipal/Village records?	the Revenue/ Panchayat records.
36.	a) Whether the property offered as security is clearly demarcated?	Yes
	b) Whether the demarcation/ partition of the property is legally valid?	Yes
	c) Whether the property has clear access as per documents? (The property should be legally accessible through normal carriers to transport goods to factories / houses, as the case may be).	Yes
37.	Whether the property can be identified from the following documents, and discrepancy/ doubtful circumstances, if any revealed on such scrutiny?	The property can be identified
	a) Document in relation to electricity connection ;	a) Yes
	b) Document in relation to water connection ;	b) Yes
	c) Document in relation to Sales Tax Registration, if any applicable ;	c) Not require.
	d) Other utility bills, if any.	
38.	In respect of the boundaries of the property, whether there is a difference/ discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/ comment on the same	No, at present valuation report is not available
39.	If the valuation report and / or approved/ sanctioned plans are made available, please comment on the same including the comments on the description and boundaries of the property on the said document and that in the title deeds. (If the valuation report and/or approved plan are not available at the time of preparation of TIR, please provide these comments subsequently, on making the same available to the advocate.)	North- Land of Sri Kushalbrata Ghosh, South- Property of Sri Amiya Gupta & Birbhum Zila School Board. East- Panchayat (Metal) Road. West- Chowpahari Jungle
40.	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	Property in question is free from all encumbrances
41.	Whether the Bank will be able to enforce	Yes

  
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	SARFAESI Act, if required against the property offered as security?	
	Property is SARFAESI compliant (Y/N)	Yes
42.	In case of absence of original title deeds, details of legal and other requirements for creation of a proper, valid and enforceable mortgage by deposit of certified extracts duly certified etc., as also any precaution to be taken by the Bank in this regard.	N.A.
43.	Whether the governing law/ constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.	N.A.
44.	Additional aspects relevant for investigation of title as per local laws.	N.A.
45.	Additional suggestions, if any to safeguard the interest of Bank ensuring the perfection of security.	Before creating mortgage, original Title Deed & other related documents are to be taken by the Bank
46.	The specific persons who are required to create mortgage deposit documents creating mortgage.	Developer as well as POA holder M/s. <b>TRIKAL CONTRACTORS &amp; DEVELOPERS</b> , a registered Partnership Firm having its office at Room no. 5N, 5 <sup>th</sup> floor, White Tower, 115, College Street, P.S. Bowbazar, Kolkata-700012, West Bengal is required to deposit documents in favour of the Bank.
47.	Whether the real Estate Project comes under Real Estate (Regulation and Development) Act, 2016? Y/N.	Yes
	Whether the project is registered with the Real Estate Regulatory Authority? If So, the details of such registration are to be furnished,	Not available
	Whether the registered agreement for sale as	Not Applicable

  
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prescribed in the above Act/ Rules there under is executed?	
Whether the details of the agreement / plot in question are verified with the list of number and types of apartments or plots booked as uploaded by the promoter in the website of Real Estate Regulatory Authority?	Not Applicable

Note : In case separate sheets are required, the same may be used, signed and annexed.

Date : 14.09.2018

Place : Bolpur

  
Signature of the Advocate 14/09/2018

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