



R.K. AGARWAL & ASSOCIATES

S.P. Mukherjee Road, Opp. Arogya Niketan Nursing Home
Khalpara, Siliguri

Email: - rkagarwalassociates@gmail.com

ADVOCATE

0353-2500503
0353-2500504

Ref: RKA/84 /2020

Date: 3/06/2020

TO WHOM IT MAY BE CONCERN

This is to certify that I have caused necessary searching and examined the relevant documents and records on title in respect of Landed Property of:-

1. **PRAKASH DISTELLERY & CHEMICAL COMPANY PRIVATE LIMITED (PAN: AABCP8268M)**, a Private Limited Company registered under the Companies Act, 1956 bearing certificate of Incorporation No. U15520WB1971PTC028012 Dated 22.06.1971, represented by one of its Director duly authorized for this purpose **SRI BIJAY SAHA** S/o Late Prakash Chandra Saha, Hindu by religion, Indian by Nationality, Director of the above named Company by Occupation, resident of C/O Hotel Prakash, Hill cart Road, Siliguri-734001, P.O. & P.S. Siliguri in the District of Darjeling.

2. **BHOJNARAIN TEA COMPANY LIMITED (PAN: AABCB2967M)**, a Limited Company registered under the Companies Act, 1956 bearing certificate of Incorporation No. U01132WB1925PTC005108 Dated 28.07.1925, represented by one of its Director duly authorized for this purpose **SRI PROSENJIT SAHA** S/o Late Prakash Chandra Saha, Hindu by religion, Indian by Nationality, Director of the above named Company by Occupation, resident of C/O Hotel Prakash, Hill cart Road, Siliguri-734001, P.O. & P.S. Siliguri in the District of Darjeling.

3. **CANON PAPER INDUSTRIES PRIVATE LIMITED (PAN: AABCC5922B)**, a Private Limited Company registered under the Companies Act, 1956 bearing certificate of Incorporation No. U21099WB1996PTC081911 Dated 01.11.1996, represented by one of its Director duly authorized for this purpose **SRI AJIT SAHA** S/o Late Prakash Chandra Saha, Hindu by religion, Indian by Nationality, Director of the above named Company by Occupation, resident of C/O Hotel Prakash, Hill cart Road, Siliguri-734001, P.O. & P.S. Siliguri in the District of Darjeling.

4. **SAHAJI FINANCE PRIVATE LIMITED (PAN: AAICS4808F)**, a Private Limited Company registered under the Companies Act, 1956 bearing certificate of Incorporation No. U65921WB1989PTC047195 Dated 07.07.1989, represented by one of its Director duly authorized for this purpose **SRI GAUTAM SAHA** S/o Late Prakash Chandra Saha, Hindu by religion, Indian by Nationality, Director of the above named Company by Occupation, resident of C/O Hotel Prakash, Hill cart Road, Siliguri-734001, P.O. & P.S. Siliguri in the District of Darjeeling.

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CIVIL, CRIMINAL PRACTITIONER

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SUROVIKA DAS
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REKHA UPADHYAY
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During scrutiny of documents produced before me and during my search at the above mentioned offices from the available documents and records at the time of search prima facie, it transpired to me as follows:-

1. PARTICULARS OF DOCUMENTS EXAMINED BY ME :

Xerox copy of Deeds of Conveyance being No. 5283 for the year 1974 registered at the office of Sub-registrar Siliguri; 604, 694, 1220, 695 & 794 all for the year 2016 registered at the office of the Additional District Sub-Registrar, Siliguri-II at Bagdogra and L.R. Khatian being number 75, 2562, 2563, 2565 & 2566 and conversion certificate vide order No. 162/DL & LRO/DJ/13 dated 22/7/2013 of DL & LRO Darjeeling.

2. DESCRIPTION OF LANDED PROPERTY:

SCHEDULE A (PRAKASH DISTELLERY & CHEMICAL COMPANY PRIVATE LIMITED) -

All that piece and parcel of land measuring 119.7 Decimal, comprised in R.S. Plot No. 312, corresponding to L.R Plot Nos. 424, 425, 427 & 428 recorded in R.S. Khatian No. 6/1, corresponding to L.R. Khatian No. 75 of Mouza Baragharia, J. L. No. 82 Situated within Pargana Patharghta, Police Station Matigara, District Darjeeling.

SCHEDULE B (BHOJNARAIN TEA COMPANY LIMITED)

All that piece and parcel of land measuring 71.7 (Seven One point Seven) Decimal, comprised in R.S Plot No. 312, corresponding to L.R Plot Nos. 425, 428 & 429 recorded in R.S. Khatian No. 6/1, corresponding to L.R. Khatian No. 2563 of Mouza Baragharia, J. L. No. 82 Situated within Pargana Patharghta, Police Station Matigara, District Darjeeling.

SCHEDULE C (CANON PAPER INDUSTRIES PRIVATE LIMITED)

All that piece and parcel of land measuring 237 (Two Three Seven) Decimal, comprised in R.S Plot No. 312, corresponding to L.R Plot Nos. 425, 426, 427 & 428 recorded in R.S. Khatian No. 6/1, corresponding to L.R. Khatian Nos. 2565 & 2566 of Mouza Baragharia, J. L. No. 82 Situated within Pargana Patharghta, Police Station Matigara, District Darjeeling.

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SCHEDULE D (SAHAJI FINANCE PRIVATE LIMITED)

All that piece and parcel of land measuring 248.6 (Two Four Eight Point Six) Decimal, comprised in R.S Plot No. 312, corresponding to L.R Plot Nos. 425, & 428 recorded in R.S. Khatian No. 6/1, corresponding to L.R. Khatian No. 2562 of Mouza Baragharia, J. L. No. 82 Situated within Pargana Patharghta, Police Station Matigara, District Darjeeling.

3. REPORT OF DEVOLUTION ON TITLE :

1. DEVOLUTION ON TITLE OF THE LAND PURCHASED VIDE DEED NO. 604, 694, 1220, 695, 794 OF 2016 and 5283 OF 1974.

WHEREAS No. 1 hereof **PRAKASH DISTILLERY & CHEMICAL COMPANY PRIVATE LIMITED (PAN: AABCP8268M)**, a Private Limited Company registered under the Companies Act, 1956 bearing certificate of Incorporation No. U15520WB1971PTC028012 Dated 22.06.1971 acquired piece and parcel of land measuring 6 Acres 82 Decimals appertaining to and forming part of R.S. Plot No. 312 recorded in R.S. Khatian No. 6/1 of Mouza - Baragharia by virtue of a deed of conveyance, executed by **KANANBALA SAHA** and registered at the office of the Sub Registrar, Siliguri and recorded in Book No. I, being document No. 5283 for the year 1974.

AND WHEREAS during the survey operation under the W.B.L.R. Act, land measuring 6.77 Acres is recorded in the name of **PRAKASH DISTILLERY & CHEMICAL COMPANY PRIVATE LIMITED** in L.R. Khatian No. 75 in following manner:-

L.R. PLOT NO.	AREA
424	0.05 Acres
425	2.12 Acres
426	0.05 Acres
427	2.16 Acres
428	2.35 Acres
429	0.04 Acres
TOTAL	<u>6.77 Acres</u>

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AND WHEREAS possessing and acquiring the said landed property the abovenamed **PRAKASH DISTILLERY & CHEMICAL COMPANY PRIVATE LIMITED** hereof has converted the classification of the said land to BASTU (Housing Complex) at the office of the D.L. & L.R.O. Darjeeling and the same is done vide order No. 162/DL & LRO/DJ/13 dated 22/7/2013 of DL & LRO Darjeeling.

AND WHEREAS the directors and share holders of the abovenamed company **PRAKASH DISTILLERY & CHEMICALS CO. LTD.** (No.1 HEREOF) **BHOJNARAIN TEA CO. LTD.** (No.2 HEREOF), **CANON PAPER INDUSTRIES PVT. LTD.** (No.3 HEREOF) & **SAHAJI FINANCE PVT. LTD.** (No.4 HEREOF) namely 1. **SRI PROSENJIT SAHA**, 2. **SRI AJIT SAHA**, 3. **SRI BIJOY SAHA** AND 4. **SRI GOUTAM SAHA** are full blood brothers having joint ownership, control and management in various business and properties most of which were established/ purchased by their Late father including four companies, 1. **PRAKASH DISTILLERY & CHEMICALS CO. LTD.** 2. **BHOJNARAIN TEA CO. LTD.** 3. **CANON PAPER INDUSTRIES PVT. LTD.** 4. **SAHAJI FINANCE PVT. LTD.**

AND WHEREAS the said four brothers along with their family members and relatives as also their late parents were/are the shareholders of the aforesaid companies.

AND WHEREAS after the demise of their father various disputes and differences arose between the aforesaid four brothers over a period of time with regard to the control and management of the affairs of the said four companies.

AND WHEREAS the said dispute and differences grew between the parties day by day, the aforesaid four brothers at last agreed to resolve their dispute and differences through and arbitration proceeding. Accordingly, the aforesaid four brothers entered into an arbitration agreement dated 18th April 2012 and appointed **MR. DEBASHIS KUNDU** (Senior Advocate of Calcutta High Court) as sole arbitrator.

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AND WHEREAS in the arbitration hearing the said four brothers had represented their respective family members/relatives and after rounds of hearing, arbitration award was finally awarded on 09/09/2014, in terms of the said award the said company **PRAKASH DISTILLERY & CHEMICAL COMPANY PRIVATE LIMITED** had to transfer major portion of land from its landed property to and in favour of No. 2, 3 & 4 and the same is done in the following manner:

AND WHEREAS the aforesaid No.2 **BHOJNARAIN TEA COMPANY LIMITED** acquired piece and parcel of land 71.7 Decimals appertaining to and forming part of R.S. Plot No. 312 corresponding to L.R. Plot No. 425, 428 and 429 recorded in R.S. Khatian No. 6/1 corresponding to L.R. Khatian No. 75 of Mouza-Baragharia in the District of Darjeeling by virtue of a Deed of Conveyance duly executed by **PRAKASH DISTILLERY & CHEMICAL COMPANY PVT LTD.** and registered at the office of the Additional District Sub-Registrar, Siliguri-II at Bagdogra and recorded in Book No. I, Volume No. 0403-2016, Pages from 14482 to 14511 being document No. 040300604 for the year 2016.

AND WHEREAS the aforesaid No.3 **CANON PAPER INDUSTRIES PRIVATE LIMITED** acquired piece and parcel of land 237 Decimals appertaining to and forming part of R.S. Plot No. 312 corresponding to L.R. Plot No. 425, 426, 427 and 428 recorded in R.S. Khatian No. 6/1 corresponding to L.R. Khatian No. 75 of Mouza-Baragharia in the District of Darjeeling by virtue of two Deeds of Conveyance duly executed by **PRAKASH DISTILLERY & CHEMICAL COMPANY PVT LTD** and registered at the office of the Additional District Sub-Registrar, Siliguri-II at Bagdogra and

- i) Recorded in Book No. I, Volume No. 0403-2016, Pages from 14715 to 14744, being document No. 040300694 for the year 2016.
- ii) Recorded in Book No. I, Volume No. 0403-2016, Pages from 25552 to 25583, being document No. 040301220 for the year 2016.

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AND WHEREAS the aforesaid No.4 **SAHAJI FINANCE PRIVATE LIMITED** acquired piece and parcel of land measuring 248.6 Decimals appertaining to and forming part of R.S. Plot No. 312 corresponding to L.R. Plot No. 425 & 428 recorded in R.S. Khatian No. 6/1 corresponding to L.R. Khatian No. 75 of Mouza-Baraghararia in the District of Darjeeling by virtue of two Deeds of Conveyance duly executed by **PRAKASH DISTILLERY & CHEMICAL COMPANY PVT LTD** and registered at the office of the Additional District Sub-Registrar, Siliguri - II at Bagdogra and

- i) Recorded in Book No. I, Volume No. 0403-2016, Pages from 32892 to 32920, being document No. 040300695 for the year 2016.
- ii) Recorded in Book No. I, Volume No. 0403-2016, Pages from 17729 to 17758, being document No. 040300794 for the year 2016.

I therefore of the opinion as enumerated hereunder:-

4. OPINION :

- A) During scrutiny of documents submitted to me and during my search I did not find any document, which could lead me to opine that the property in question is subject matter of any acquisition or requisition by Govt. or any other authority concerned or the property is in any way encumbered.
- B) That no such transfer of aforesaid property by the owner named above is found during searching at Registration office.
- C) That it is further transpired that the land in question is not affected under any provision of Urban Land (Ceiling and Regulations) Act. 1976.

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- D) That the owner above named have saleable and marketable right, title and interest in and over the aforesaid property.
- E) That I am therefore of the opinion that the property in question as described in clause - 2 above is free, clear and marketable and free from all encumbrances and charges whatsoever.

Thanking you,
Yours faithfully

REKHA UPADHYAY
Advocate, Siliguri

Enclose

1. Xerox copy of Deeds of Conveyance being No. 5283 for the year 1974 registered at the office of Sub-registrar Siliguri; 604, 694, 1220, 695 & 794 all for the year 2016 registered at the office of the Additional District Sub-Registrar, Siliguri-II at Bagdogra.
2. Xerox copy of 4(Four) L.R. Khatian being number 75, 2562, 2563, 2565 & 2566.
3. Xerox Copy of conversion certificate vide order No. 162/DL & LRO/DJ/13 dated 22/7/2013 of DL & LRO Darjeeling.

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