

Raj Kumar Goyal

Advocate

Chamber No. 93, Block-B
District Courts Gurgaon



Office-cum-Residence

Near Hot Spring Sohna
Tehsil Sohna, District Gurgaon
Mobile : 09811803503,

09416455302

E-Mail : rkgoval107@gmail.com

Date : 09.03.2016
ANNEXURE A1

LEGAL OPINION

To
The Chief Manager
Oriental Bank of Commerce,
Orchid Square, Shop No. 8, B-Block,
Sushant Lok-1, Gurgaon

Dear Sir,

Reg : Title Opinion regarding the Residential Group Housing known as "Terra Elegance" constructing on Khasra No. 1289/1025 measuring 2.05 Hectare (19571.22 Sq. Mtrs) situated within the revenue estate of Village Khajuribas, Tehsil Tijara District Alwar.

With reference to your letter No. Nil dated --Nil-, I, on the basis of the copies of title deeds forwarded to me pertaining to the said immovable property and the other information submitted by you, have conducted a detailed search and investigation and submit my report as under:-

1. Name(s) and Address(es) of the Title holder(s)/Developer/Mortgagor(s)/Borrower(s) :-
M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata.

2. Description of immovable property :

Plot No./ Property No.	Area (in Sq. Yds./ Sq.Mtrs/ sq.ft./ acres/hectares)	Location	Boundaries
Residential Group Housing known as "Terra Elegance" constructing on Khasra No. 1289/1025	measuring 2.05 Hectare (19571.22 Sq. Mtrs)	Situated within the revenue estate of Village Khajuribas, Tehsil Tijara District Alwar	
3. The Chain of title deeds scrutinized by me		As per Annexure A2 Attached herewith	
i) Search in Sub-Registrar's Office (Location of property of the sub district within which the property is located and the address of the registering officer. In case the property is situated in more than one sub districts/districts, the particulars of all the concerned sub-districts/ districts and address of the registering officers to be given)		Sub-Registrar Bhiwadi, District Alwar	

II)

Search and Investigation :

(The search in the records such as index No. 1, Index No. 2 Book No. 1/Supplementary Book No. 1 should be made at least for the past 13 years to trace any encumbrance is created on the property. A brief narration may be given on the route and chain of title to the extent of complete chain and how the title is conferred on the mortgagor. The details of the books/ indexes searched by advocate to be stated. In the event of any break in the chain of title, the details thereof specifying how the break in the chain of title took place to be stated and opinion as to whether it would vitiate Bank's creation of mortgage over the property be given. In case of any mortgage charge, or encumbrance subsists over the property, the same may be highlighted so that the Bank shall avoid the said property Confirm and state charge, or encumbrance subsists over the property, the same may be highlighted so that the Bank shall avoid the said property Confirm and state that the original title deeds submitted are originals registered before the Registrar of Assurance) and proper stamp duty has been paid.

I, searched the record of Registration in the Office of Sub-Registrar Bhiwadi.

As per record Smt. Neeta Jain W/o Shri Kanwar Jain & Smt. Aagya Jain W/o Shri Mangat Jain R/o S-25, Konark OACS Bhiwadi, District Alwar sold Khasra No. 1025 measuring 2.58 Hactare to the extent of 1/3 share and Khasra No. 1026 measuring 0.86 Hectare Khasra 1027 measuring 0.67 Hectare, admeasuring 1.53 hectare to the extent of 1/6 share in favour of **M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata** vide registered sale deed bearing Serial No. 2006002020 dated 16.05.2006, for a valuable consideration of Rs. 30,00,000/- registered in the office of Sub Registrar Bhiwadi.

Similarly Smt. Sunita Devi W/o Shri Mukesh Kumar Aggarwal R/o R.G.3, Konark OACS Bhiwadi, District Alwar sold Khasra No. 1025 measuring 2.58 Hactare to the extent of 1/6 share and Khasra No. 1026 measuring 0.86 Hectare Khasra 1027 measuring 0.67 Hectare, admeasuring 1.53 hectare to the extent of 1/3 share in favour of **M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata** vide registered sale deed bearing Serial No. 2006002814 dated 29.06.2006 for a valuable consideration of Rs. 27,00,000/- registered in the office of Sub Registrar Bhiwadi.

Urban Improvement Trust Bhiwadi executed a Lease Deed for the period of 99 years regarding the Khasra No. 1289/1025, total land measuring 2.05 Hactare (19571.22 Sq. Mtrs.) situated within the revenue estate of Village Khajuribas, Tehsil Tijara, District Alwar bearing Serial No. 2013000955 dated 18.02.2013, registered in the office of Sub Registrar Bhiwadi.

RAJ KUMAR GOYAL Page | 2

Advocate
Distt. Courts Gurgaon & Sohna
P-617/1983

Urban Improvement Trust, Bhiwadi issued a Letter bearing No. 4 dated 28.08.2012 in favour of **M/s Elegant Infrastructure Pvt Ltd** regarding conversion of Land Use.

That Building Plan was sanctioned/approved by Urban Improvement Trust Bhiwadi in favour of **M/s Elegant Infrastructure Pvt Ltd** vide Letter No. 361-62/14 dated 06.05.2014, in respect Khasra No. 1289/1025 measuring 19571.22 sq. mts. for the residential Group Housing.

That Environment Clearance for the aforesaid Group Housing Project was also obtained by **M/s Elegant Infrastructure Pvt Ltd** vide Letter dated 31.01.2014 issued by State Level Environment Impact Assessment Authority Rajasthan.

That **M/s Elegant Infrastructure Pvt Ltd** also obtained all necessary permission from Rajasthan State Pollution Control Board vide order No. 2014-15/MUID/2688 dated 30.05.2014 for Air and water.

That **M/s Elegant Infrastructure Pvt Ltd** also obtained temporary Fire NOC from Municipal Counsel Alwar bearing No. Fire/1405 dated 14.06.2013.

That **M/s Elegant Infrastructure Pvt Ltd** also obtained Height Clearance from Urban Development Department Bhiwadi vide Letter bearing Sr. No. प 3(160)नविवि/3/2013 dated 21.01.2013

That **M/s Elegant Infrastructure Pvt Ltd** as Developer/Builder is developing a Group Housing Project known as "Terra Elegance Group Housing Project" on land bearing Khasra No. 1289/1025 having area 19571.22 sq. mtrs. situated at village

	Khajuribas, Tehsil Tijara, District Alwar (Rajasthan) M/s Elegant Infrastructure Pvt Ltd have every Right to Sell and Market the Flat of Group Housing Project and receive earnest Money, sale Consideration, etc and execute Sub Lease Deed/ Conveyance Deed, Sale Deed in favour of Prospective Buyer. Since Then M/s Elegant Infrastructure Pvt Ltd, 11, Pollock Street, 4th Floor, Kolkata is the owner in possession of the above land same is free from all sorts of encumbrance and have marketable title over the land.
III) Whether the property is ancestral and/or under joint ownership. If so, details of the co-parceners/ Karta and/or the co-owners. The respective shares should be incorporated specifically.	The Property in question is not ancestral and is not under the joint ownership.
IV) Minor's delinquent, unsound, untraced person's interest. (Any minor's interest if involved in the property proposed to be mortgaged or any other claims. If minor's interest is involved what precautions are to be taken to protect Bank's interest as a mortgagee to be stated. Please note that if the property belongs to a minor permission of Court is generally required to create the mortgage over the property).	No share of minor or untraced, unsound person are involved in the property in question.
V) Documents pending for registration (The enquiry is to be made whether any document creating mortgage, charge or encumbrance is pending for registration in the concerned Sub-Registrar's/ Registrar's office are to be stated. If so, full details of such charge etc. of charge holders should be specified.	As per my search and investigation no document for creating any charge or lien are pending for registration in the office of concerned Sub-Registrar
5. Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in State where the property is located. If applicable whether the immovable property (ies) fall(s) within the purview of the Act, verification and investigation should be made under Section 26, 27 and 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act	Not applicable

RAJ KUMAR GOYAL

Advocate Page 4
Distt. Courts Gayaon & Sohna
P-617/1983

	Documentary evidence showing such permission is obtained has to be attached with the report.	
6.	Whether the property is acquired under the Land Acquisition Act, 1894 and applicability of other State Legislations.	That the property is not acquired under the land acquisition Act 1894 and no notification has been issued regarding that.
7.	Leasehold immovable Property (Where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors/competent authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken obtaining such property in mortgage.	Freehold Property
8.	Investigation under Income Tax Act 1961 : (Any permission of the concerned Assessing Officer under any of the provisions of Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to income Tax Deptt.	Not Applicable
9.	Investigation in regard to agricultural land (Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self-cultivated. If consolidation of holdings/ acquisition proceedings etc. is in progress in the area, whether Government loan/any loan raised against the land and details about the charges encumbrances may be specified with reference to the Agricultural Land Laws.	Not Applicable
10.	The details of the certified copies of the revenue records obtained to confirm that the property in question has been mutated and no dues are outstanding against the Mortgagor.	Not Applicable
11.	Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.	The property is to be required Equitable Mortgage in favour of the bank after depositing the original title deeds.
12.	If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated.	Not Applicable
13.	Whether documents given as chain of title deeds Inspire any doubt/ suspicion, is it curable how?	There is no doubt/suspicion in the documents.
14.	Reason as to why equitable mortgage is not being created with the branch, where the property is situated?	Not Applicable

RAJ KUMAR GOYAL
Associate
Distt. Commr Gurgaon & Sohna
P-617/1983

15. Whether any bar to create mortgage as in case of agricultural land in Delhi? Any CLU/house tax/ notification of land vesting in municipal authority?	Not applicable
16. Whether any restriction on sale of property? e.g. J & K, Uttaranchal & HP etc.	Not Applicable
17. Whether any approvals/clearances required or obtained, detail?	Not applicable

The following documents in addition to documents mentioned in Chain of documents in original as well as copies the case may be along with additional documents mentioned above, varying from case to case may also be obtained for creation of valid equitable mortgage by deposit of the title deeds (varying from case to case)

Particulars	Comments of Advocate
1. House Tax assessment order pertaining to property to be mortgaged.	Not Applicable
2. Site Plan (Sanctioned)	To be Obtained
3. House Tax receipt pertaining to property to be mortgaged.	Not Applicable
4. Self assessment return form	To be obtained
5. Electricity/Water Bill	To be obtained
6. Copy of PAN Card/Driving License/ Passport etc.	To be obtained
7. Income Tax Returns	To be obtained
8. Affidavit of mortgagor as to how he/she is connected with the account in which he/she is furnishing his/her property as security.	Kindly take the Affidavit from the mortgagor regarding the ownership of the property.
9. In case of property of Builders in addition to the GPA/SPA, Collaboration/Builders Agreement, the PAN No. & ITCC of Builder his history copy of some regd. Documents and endorsement on the original sale deed (if retained by original owner/builder) be made, if possible so that previous documents even if retained by the Owner/Builder cannot be misused.	Not Applicable
10. In case the property to be mortgaged is released to the company, then relevant Resolutions along with copy of the minutes, MOA/AOA and ROC record may be obtained.	Relevant Resolutions along with copy of the minutes, MOA/AOA and ROC record may be obtained.
11. In any case where ever the previous original title deed is missing or retained by earlier owner, the original title deed be seen & endorsed or an affidavit be obtained from the person retaining the original title deeds that he will not misuse it.	Not Applicable
12. Affidavit that mortgagor deposited title deeds with intention, has deposited all documents, would not misuse any document to detriment of etc. may also be obtained.	Kindly take the affidavit of the mortgagor to this effect that the documents are original and the properties are free from all sort of encumbrances and he will not misuse any document in future.

RAJ KUMAR GOYAL
Advocate
Distt. Court, Gurgaon & Sec-17
P-317/1983

13. The stamp duty payable on Oral Assent. (if applicable).	Not Applicable
14. NOC/No Dues certificate from lessor/land authority.	Not Applicable
15. In case of leasehold property, the remaining period of lease, any provision for further renewal of lease etc. shall be specifically mentioned. The receipt for upto date payment of lease rent shall be obtained.	The property is under lease for the period of 99 years w.e.f. 18.02.2013
16. In case of HUF/Trust, appropriate affidavit be obtained & further necessary documents be also obtained. In case of Trust properties, it should also be mentioned whether permission from Charity Commissioner or any other competent authority is required to be obtained.	Not Applicable
17. In case of flat belonging to Cooperative Housing Society, necessary further documents i.e. Share Certificate, No objection Certificate from Society after verifying the related records and receipt for the payment of upto date dues to the Society be obtained.	Not Applicable
18. Since Central Registry u/s. 20 of the SARFAES Act has been created and notification No. F-56/5/2007-BO-11 dated 31 st March 2011 has been issued, inspection of records of central register through the website of the Central Registry shall also be made by the advocate concerned and the same shall be stated in the opinion.	As such there is no provision to verify the Website from Central Registry for Advocates. The bank should verify the same at branch Level.

CERTIFICATE

I hereby certify that I have personally visited the Office of Registrar/Sub-Registrar **Bhiwadi** and revenue authorities and the password to search the record of Central Registry Created under Section 20 of SARFAESI Act, 2002 is awaited by the bank and personally searched and verified the information furnished in this report. I have compared the **original** Sale Deeds bearing Serial No. 2006002020 dated 16.05.2006 & Serial No. 2006002814 dated 29.06.2006 and Lease Deed bearing Serial No. 2013000955 dated 18.02.2013 with certified copies of the sale deed obtained from the office of Sub Registrar Gurgaon and have found that both are tallying with each other. I also certify that the title deeds in respect of the captioned properties are genuine, original and properly executed. The statement and other information given in the report are correct and true. I certify that **M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata** are the owner in joint possession of the above said land and have got a valid, clear, absolute and marketable title over the property shown above. If **M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata** through its authorised signatory personally present (along with identity proof) and deposits the title deeds in original or as mentioned in Schedule I along with documents mentioned hereunder, with intention to create Equitable

24/4

Mortgage. The Borrower(s) should be present personally (along with identity proof) to deposit the original title deeds with your Bank/Branch for creation of Equitable mortgage.

M/s Elegant Infrastructure Pvt Ltd. 11, Pollock Street, 4th Floor, Kolkata

Following documents required for Equitable Mortgage :-

1. Original sale deed bearing Serial No. 2006002020 dated 16.05.2006, registered in the office of Sub Registrar Bhiwadi. ✓
2. Original sale deed bearing Serial No. 2006002814 dated 29.06.2006 registered in the office of Sub Registrar Bhiwadi. ✓
3. Original Lease Deed bearing Serial No. 2013000955 dated 18.02.2013, registered in the office of Sub Registrar Bhiwadi. ✓
4. Original Letter bearing No. 4 dated 28.08.2012 regarding conversion of Land Use. ✓
5. Original letter of approved of Building Plan bearing Letter No. 361-62/14 dated 06.05.2014. ✓
6. Original Letter of Environment Clearance bearing Letter dated 31.01.2014. ✓
7. Original Permission from Rajasthan State Pollution Control Board bearing order No. 2014-15/MUID/2688 dated 30.05.2014 for Air and water. ✓
8. Original temporary Fire NOC bearing No. Fire/1405 dated 14.06.2013. ✓
9. Original Height Clearance bearing Letter bearing Sr. No. प.3(160)नविवि/3/2013 dated 21.01.2013 ✓

Note : Kindly Mark the lien in the Jamabandi in favour of Bank before the releasing the loan.

Yours faithfully,



R.K. Goyal
Empanelled Advocate

Raj Kumar Goyal

Advocate

Chamber No. 93, Block-B
District Courts Gurgaon



Office-cum-Residence

Near Hot Spring Sohna
Tehsil Sohna, District Gurgaon

Mobile : 09811803503,

09-116455302

E-Mail : rkgoval107@gmail.com

Date: 09.03.2016

Chain of Title Deed

(Annexure-A2)

Sr. No.	Registered/ Unregistered	Vendor Transferor	Vendee/ Transferee	Vasika No. /Date	Nature Deed
1.	Registered	Neeta Jain & Aagya Jain	Elegant Infrastructure Pvt Ltd.	2006002020 dated 16.05.2006	Sale Deed
2.	Registered	Sunita Devi	--do--	2006002814 dated 29.06.2006	Sale Deed
3.	Registered	Urban Improvement Trust Bhiwadi	--do--	2013000955 dated 18.02.2013	Lease Deed
4.	Un Registered	--do--	--do--	28.08.2012	Land Conversion Letter
5.	Un Registered	--do--	--do--	06.05.2014	Approval of Building Plan
6.	Un Registered	Rajasthan State Pollution Control Board	--do--	30.05.2014	Pollution Clearance Letter
7.	Un Registered	State Level Environmental Impact Assessment Authority Rajasthan	--do--	31.01.2014	Environment Clearance Letter
8.	Un Registered	Urban Improvement Trust Bhiwadi	--do--	21.01.2013	Letter of Height Clearance
9.	Un Registered	--do--	--do--	14.06.2013	Letter for Temporary Fire NOC

Yours faithfully,

R.K. Goyal,
Empanelled Advocate