

Manoj Gautam
Advocate

Residence & Office –
27/108, Opp. Rajasthan Bank.
Garh Palace Road
Tipta, Kota (Raj.)
Mob. – 94142-74971

**REPORT OF INVESTIGATION OF TITLE IN RESPECT
OF IMMOVABLE PROPERTY**

1	a	Name of the Branch/Business Unit/Office seeking opinion	:	State Bank of India, Ahemdabad	
	b	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	:	SBI/CCG-A/AMT-2/19-20/250A Date: 13.01.2020	
	c	Name of the Borrower	:	Adani Power Rajasthan Ltd., Ahemdabad, Gujarat	
2	a	Name of the unit/concern/ company/person offering the property/ies as security.	:	Adani Power Rajasthan Ltd., Ahemdabad, Gujarat	
	b	Constitution of the Unit/concern /person/body/authority offering the property for creation of charge	:	Public Ltd. Company Unlisted	
	c	State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	:	Borrower	
3	Complete or full description of the immovable property/ies offered as security including the following details.			: Land Khata No. New 865, Old 776, situated at Village Kawayi, Tehsil Atru, Dist. Baran, Raj. (Separate Sheet Enclosed as Annexure-1) (Separate Sheet Enclosed as Annexure-1)	
	a	Survey No.	:		
	b	Door/House no. (in case of house property)	:	N.A	
	c	Extent/area including plinth/ built up area in case of house property	:	Total Area - 234.41 Hec.	
	d	Locations like name of the place, village, city, registration, sub-district etc. Boundaries.	:	Village Kawayi, Tehsil Atru, Dist. Baran, Raj.	
4	a	Particulars of the documents scrutinized-serially and chronologically.	:	1. Jamabandi Khata (Certified copy) 2. Certificate of Incorporation of Adani Power Rajasthan Pvt. Ltd. 3. List of directors of Adani Power Rajasthan Pvt. Ltd. 4. Memorandum of Association of Adani Power Rajasthan Pvt. Ltd. 5. Resolution Passed by Board of Directors dt. 21.10.2019 6. Regd. Lease deed dt. 28.05.2009	
	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.	:	Regd. Lease Deed regd. at SRO Atru Dist. Baran at B.No. 1, V.No. 136, P.No. 83, S.No. 2009000834 on dt. 28.05.2009	
	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.		Regd. Lease Deed regd. at SRO Atru Dist. Baran at B.No. 1, V.No. 136, P.No. 83, S.No. 2009000834 on dt. 28.05.2009	Photocopy	Yes
5	(a) Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the			:	Yes

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		proposed mortgagor ? Please also enclose all original receipts of fees paid for obtaining certified copy of documents/search/encumbrance certificate along with the TIR.	
	b) i)	Whether all pages in the certified copies of title documents which are obtained directly from Sub-Registrar's office have been verified page by page with the original documents submitted?	YES
	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 (In case originals title deed is not produced for comparing with the certified or ordinary copies should be handled more diligently & cautiously).	YES
6	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 ?	Yes
	b	If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.	Yes
	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 ?	Genuineness not required. As per the government notification dated 20/08/2007 the same has been exempted from stamp duty
7	a	Property offered as security falls within the jurisdiction of which sub-registrar office ?	Sub Registrar Atru Dist. Baran, Raj.
	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 ?	No
	c	Whether search has been made at all the offices named at (b) above ?	Yes
	d	Whether the searches in the offices of registering authorities or any other records reveal registration of multiple title documents in respect of the property in question ?	No
8		Chain of title tracking 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. 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.	Adani Power Rajasthan Ltd., Ahmedabad, Gujarat is the khatedar owner of the property as per annexure-1. Government land hence there is not interest of minor's.
9		Nature of Title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/ Possessor Rights or Inam Holder or Govt. Grantee/Allottee etc.)	Leasehold rights of 30 years
10		If leasehold, whether :	Yes
	a	Lease Deed is duly stamped and registered	As per the government notification dated 20/08/2007 the same has been exempted from stamp duty for lease deed
	b	Lessee is permitted to mortgage the Leasehold right	Yes
	c	duration of the Lease/unexpired period of lease	30 years
	d	If, a sub-lease, check the lease deed in favour of	Yes

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		Lessee as to whether lease deed permits sub-leasing and mortgage by Sub-Lessee also.	
	e	Whether the leasehold rights permits for the creation of any superstructure (if applicable) ?	: Yes
	f	Right to get renewal of the leasehold rights and nature thereof.	: Yes
11		If Govt. grant/allotment/Lease-cum-/ Sale Agreement, whether grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions, the mortgagor is competent to create charge on such property. Whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	: Lease agreement dated 28.05.2009
12		If occupancy right, whether	: Leasehold rights
	a	Such right is heritable and transferable	: Transferable
	b	Mortgage can be created	: Yes
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 permission to be obtained and the reasons for coming to such conclusion	: No
14		If the property has been transferred by way of Gift/Settlement Deed, whether	: No
	a	The Gift/Settlement Deed is duly stamped and registered	: Not applicable
	b	The Gift/Settlement Deed has been attested by two witnesses	: Not applicable
	c	The Gift/Settlement Deed transfers the property to Donee	: Not applicable
	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	: Not applicable
	e	Whether there is any restriction on the Donor in executing the gift/settlement deed in question.	: Not applicable
	f	Whether the Donee is in possession of the gifted property	: Not applicable
	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.	: Not applicable
	h	Any other aspect affecting the validity of the title passed through the gift/settlement deed	: Not applicable
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.	: No
	b	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	: Not applicable
	c	Whether the partition made is valid in law and the mortgagor has acquired a mortgagable title thereon	: Not applicable
	d	In respect of partition by a decree of court, whether such decree has become final and all other conditions/formalities are completed/complied with.	: Not applicable
	e	Whether any of the documents in question are executed in counterparts or in more than one set ? If so, additional precautions to be taken for avoiding multiple mortgages ?	: Not applicable
16		Whether the title documents include any testamentary documents/wills ?	: No
	a	In case of wills, whether the will is registered will	: Not applicable

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		or unregistered will ?	
	b	Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court ?	: Not applicable
	c	Whether the property is mutated on the basis of will ?	: Not applicable
	d	Whether the original will is available ?	: Not applicable
	e	Whether the original death certificate of the testator is available ?	: Not applicable
	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.)	: Not applicable
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 ?	: Not applicable
	c	Precautions/permissions, if any in respect of the above cases for creation of mortgage ?	: Not applicable
18	a	Where the property is a 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 female members etc.	: No
	b	Please also comment on any other aspect which may adversely affect the validity of security in such cases?	: Not applicable
19	a	Whether the property belongs to any trust or is subject to the rights of any trust ?	: No
	b	Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property ?	: Not applicable
	c	If so additional precautions/ permissions to be obtained for creation of valid mortgage ?	: Not applicable
	d	Requirements, if any for creation of mortgage as per the central/ state laws applicable to the trust in the matter.	: Not applicable
20	a	If the property is Agricultural land, whether the local laws permit mortgage of Agriculture land and whether there are any restrictions for creation/ enforcement of mortgage.	: No
	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 ?	: No
	c	In the case of conversion of Agriculture land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	: Land is converted from agriculture to industrial purpose.
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, Coastal Zone Regulations, Environmental Clearance, etc.)	: No
22	a	Whether the property is subject to any pending or proposed land acquisition proceedings ?	: No

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	b	Whether any search/enquiry is made with the Land Acquisition Office and the outcome of such search/enquiry.	:	Not applicable
23	a	Whether the property is involved in or subject matter of any litigation which is pending or concluded ?	:	No litigation is pending against the property.
	b	If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement ?	:	No
	c	Whether the title documents have any court seal/marketing which points out any litigation/attachment/security to court in respect of the property in question ? In such case please comment on such seal/marketing.	:	No litigation is pending against the property.
24	a	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	:	No
	b	Property belonging to partners, whether thrown on hotchpots ? Whether formalities for the same have been completed as per applicable laws ?	:	Not applicable
	c	Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	:	Not applicable
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.	:	ROC search report is attached.
	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 Registrar of Companies (RoC) in respect of such vendor company / LLP (seller) and the vendee company purchaser) ?	:	No
	iii)	Whether the above search of charges reveals any prior charges/encumbrances, on the property (proposed to be mortgaged) created by the endor company (seller) ? Yes / No	:	No
	iv)	If the search reveals encumbrances / charges, whether such charges/encumbrances have been satisfied? Yes/No	:	No
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.	:	No
27	a	Whether any POA is involved in the chain of title ?	:	POA is not involved in the chain of title.
	b	Whether the POA is one coupled 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.	:	Not applicable
	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, Agreement of Sale, Sale Deeds, etc. in favour of buyers of flats/ units (Builder's	:	Not applicable

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	POA) or (ii) other type of POA (Common POA).		
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.	:	Not applicable
e	In case of common POA (i.e. POA other than Builder's POA), please clarify the following clauses in respect of POA.	:	Not applicable
i	Whether the original POA is verified and the title investigation is done on the basis of original POA ?	:	Not applicable
ii	Whether the POA is a registered one ?	:	Not applicable
iii	Whether the POA is a special or general one ?	:	Not applicable
iv	Whether the POA contains a specific authority for execution of title document in question ?	:	Not applicable
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 ?)	:	Not applicable
g	Please comment on the genuineness of POA ?	:	Not applicable
h	The unequivocal opinion on the enforceability and validity of the POA ?	:	Not applicable
28	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent 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.	:	No
29	If the property is a flat/apartment or residential/commercial complex, check and comment on the following:	:	No
a	Promoter's/Land owner's title to the land/building	:	Not applicable
b	Development Agreement/Power of Attorney	:	Not applicable
c	Extent of authority of the Developer/builder	:	
d	Independent title verification of the Land and/or building in question	:	Not applicable
e	Agreement for sale (duly registered)	:	Not applicable
f	Payment of proper stamp duty	:	Not applicable
g	Requirement of registration of sale agreement, development agreement, POA, etc.	:	Not applicable
h	Approval of building plan, permission of appropriate/local authority, etc.	:	Not applicable
i	Conveyance in favour of Society/ Condominium concerned	:	Not applicable
j	Occupancy Certificate/allotment letter/letter of possession	:	Not applicable
k	Membership details in the Society etc.	:	Not applicable
l	Share Certificates	:	Not applicable
m	No Objection Letter from the Society	:	Not applicable
n	All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.	:	Not applicable
o	Requirements, for noting the Bank charges on the records of the Housing Society, if any	:	Not applicable
p	If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any.	:	Not applicable
q	Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan etc.	:	Not applicable

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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.	:	Property is mortgaged in favor of SBI, Cap Trustee who is acting on behalf of lenders led by state bank of India.
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 1991 to 2020
32	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	:	No statutory dues related to property is pending to be paid.
33	a Urban land ceiling clearance, whether required and if so, details thereon.	:	Not applicable
	b Whether No Objection Certificate under the Income Tax Act is required/obtained	:	Not required in the view of the provision of the section 26E of the securitisation and Reconstruction of Financial assets and Enforcement of Security Interest Act No. 1 of 2013 with effect from 15 th January, 2013 the secured creditor will be paid in priority over all other taxes payable to the Central/ State Government / Local Authority.
34	Details of RTC extracts/mutation extracts/Katha extracts pertaining to the property in question.	:	Jamabandi is attached.
35	Whether the name of mortgagor is reflected as owner in the revenue/ Municipal/Village records?	:	Yes
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?	:	Yes
	(The property should be legally accessible through normal carriers to transport goods to factories / houses, as the case may be).	:	The property is legally accessible through normal carriers to transport goods.
37	Whether the property can be identified from the following documents, and discrepancy/doubtful circumstances, if any revealed on such scrutiny?	:	Yes
	a Document in relation to electricity connection	:	-
	b Document in relation to water connection	:	-
	c Document in relation to Sales Tax Registration, if any applicable	:	GST certificate is available
	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 difference, discrepancies observed.
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.)	:	Yes
40	Any law/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	:	Property is mortgaged in favor of SBI, Cap Trustee who is acting on behalf of lenders led by state bank of India.
41	Whether the Bank will be able to enforce SARFAESI Act, if required against the property offered as security?	:	Yes
	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.	:	Not applicable
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.	:	Yes
44	Additional aspects relevant for investigation of title as per local	:	No

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	laws.	
45	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	: No
46	The specific persons who are required to create mortgage/to deposit documents creating mortgage	: Adani Power Rajasthan Ltd., Ahemdabad, Gujarat
47	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act,2016? Y/N.	Not applicable
	Whether the project is registered with the Real Estate Regulatory Authority? If so, the details of such registration are to be furnished,	Not applicable
	Whether the registered agreement for sale as prescribed in the above Act/Rules there under is executed?	Not applicable
	Whether the details of the apartment/ 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

Date : 6/3/21
Place : Kota


Manoj Gautam, Advocate



Annexure-C

CERTIFICATE OF TITLE

I have examined the Original/Certified copy of Title Deeds intended to be deposited relating to the schedule property(ies) and offered as security by way of "Equitable Mortgage" and that the documents of title referred to in the opinion are valid evidence of right, title and interest and that if the said Equitable Mortgage is created, it will satisfy the requirements of creation of Equitable Mortgage and I further certify that :

2. I have examined the Documents in detail, taking into account all the guidelines in the check list vide Annexure B and the other relevant factors.
3. I confirm having made a search in the Land/Revenue records. I also confirm having verified and checked the records of the relevant Government Offices/ Sub-Registrar(s) Office (s), Revenue Records, Municipal/Panchayat Office, Land Acquisition Office, Registrar of Companies Office, Wakf Board (wherever applicable). I do not find anything adverse which would prevent the Title Holders from creating a valid Mortgage. I am liable/responsible, if any, loss is caused to the Bank due to negligence on my part or by my agent in making search.
4. Following scrutiny of Land Records/Revenue Records, relative Title Deeds, certified copies of such title deeds obtained from the concerned registrar office and encumbrance certificate (EC), I hereby certify the genuineness of the Title Deeds. Suspicious/Doubt, if any, has been clarified by making necessary enquiries.
5. There are no prior Mortgage/Charges/encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period of 30 years from 1991 to 2020 pertaining to the Immovable Property/ (ies) covered by above said Title Deeds. The property is free from all Encumbrances.
6. In case of second/subsequent charge in favour of the Bank, there are no other mortgages/charges other than already stated in the Loan documents are agreed to by the Mortgagor and the Bank (Delete, whichever is not applicable).N.A
7. Minor/(s) and his/their interest in the property/(ies) is to be extent of .N.A. (Specify the share of the Minor with Name). (Strike out if not applicable)
8. The Mortgage if created will be available to the Bank for the Liability of the intending Borrower, Adani Power Rajasthan Ltd., Ahemdabad, Gujarat
9. I certify that Adani Power Rajasthan Ltd., Ahemdabad, Gujarat has/have an absolute, clear and Marketable title over the schedule property/(ies). I further certify that the above title deeds are genuine and a valid mortgage can be created and the said Mortgage would be enforceable.
10. In case of creation of Mortgage by Deposit of title deeds, we certify that the deposit of following title deeds/documents would create a valid and enforceable mortgage :
 1. Jamabandi Khata (Certified copy)
 2. Certificate of Incorporation of Adani Power Rajasthan Pvt. Ltd.
 3. List of directors of Adani Power Rajasthan Pvt. Ltd.
 4. Memorandum of Association of of Adani Power Rajasthan Pvt. Ltd.
 5. Resolution Passed by Board of Directors dt. 21.10.2019
 6. Regd. Lease deed dt. 28.05.2009
11. There are no legal impediments for creation of the Mortgage under any applicable Law/Rules in force.
12. It is certified that the property is SARFAESI compliant.

SCHEDULE OF THE PROPERTY (IES) – Separate Sheet Enclosed as Annexure-1

Date: 6/3/21

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Note : Property is mortgaged in favor of SBI, Cap Trustee who is acting on behalf of lenders led by state bank of India.

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[Annexure-1]

Property situated at Village Kawayi, Tehsil Atru, Dist. Baran, Raj.

खसरा संख्या	क्षेत्रफल
1335	1.8000
1335/2182	1.4000
1336	1.3600
1337	8.2800
1338	19.5300
1339	15.0000
1340	13.5400
1341	11.7100
1342	9.6900
1343	0.8
1344	17.2900
1345	16.3300
1346	24.0000
1347	13.1100
1355	6.2600
1366	14.6300
1494	16.6200
1495	11.7000
1496	9.3600
2370/1334	5.0000
2371/1333	17.0000
कुल खसरे - 21	234.41

Date : 6/3/21

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