

PRABHA SINGH
Advocate

Office: Chamber No. 7, Compound no. 7
C.J.M. Court Compound
District Dehradun (Uttarakh.and)
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Date: 20.11.2020

TITLE INVESTIGATION REPORT

1	a) Name of the Branch/ Business Unit/Office seeking opinion	State Bank of India SME Branch Rajpur Road Dehradun
	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.	M/s Kamal Jewellers (Borrower)
2	a) Name of the unit/concern/ company/person offering the property/ (ies) as security.	Smt. Vibha Rastogi wife of Shri Umesh Rastogi
	b) Constitution of the unit/concern/ person/ body/ authority offering the property for creation of charge.	Individual
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	As guarantor
3	Complete or full description of the immovable property/(ies) offered as security including the following details.	All that 1/4 th part of land bearing property no. 9 Old Survey Road, Dehradun having area of 1957 sq. yards or 1636 sq. meter.
	(a) Survey No.	-
	(b) Door/House no. (in case of house property)	Property no. 9
	(c) Extent/ area including plinth/ built up area in case of house property	Total area 1636 sq. meters
	(d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries.	Mauza- Old Survey Road, Dehradun bounded ant butted as under: EAST: Open plot and the property of Mr. Ghai, side measuring 90 feet. WEST: Road, side measuring 143 feet NORTH: House of Shri H.K. Sharma and the property of Ranbeer Hall, side measuring 132 feet. SOUTH: House of Miss Promila Mehra and house of Mr. D.K. Suri, side measuring 171 feet 6 inch.
4	a) Particulars of the documents scrutinized-serially and chronologically.	1- Relinquishment deed dated 06.01.2015 registered at serial no. 1310.


PRABHA SINGH
(Advocate)

Reg. No.-UA 2324/04
Ch. No.-7, Court Compound, D. Road

2- Sale deed dated 14.06.1989
registered at serial no. 6782.
3- Sale Deed dated 24.04.1972
registered at serial no. 2504.

(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.

Sl. No.	Date	Name/ Nature of the Document	Original/ copy/ extract/ etc.	certified/ certified photocopy,	In case of copies, whether the original was scrutinized by the advocate.
1.	06.04.2015	Relinquish ment deed	Original		Original deed is already mortgaged with the S.B.I., SME, Branch, Dehradun.
2-	14.06.1989	Sale Deed	Original		
3-	24.04.1972	Sale Deed	Certified copy		
5	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.)				Duly verified with the relevant sub registrar office at, Dehradun.
	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?				Certified copies are not obtained.
	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).				Duly compared with the original deeds in the bank.
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?				Part of the records of sub registrar office is available for verification through computer system.
	b) If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.				Not Possible.
	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?				No, the verification of the stamp paper is not possible from any online portal.
7	a) Property offered as security falls within the jurisdiction of which sub-registrar office?				Sub Registrar Office, Dehradun.
	b) Whether it is possible to have registration of				-No-

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Reg. No.-UA 2324/04
Ch. No.-7, Court Compound, D.D.M.

	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?	
	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?	-

- 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.
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)

Flow of titles tracing out the title, of the intended mortgagor and his/its predecessors in interest from the Mother Deed to the latest title deed. And wherever minor's interest or other clog on in title is involved, for a further period, depending on the need for clearance of such clog on the title. (Separate Sheets may be used).

Further to my previous report issued by me in 2017 I have thoroughly searched and inspected the records available in the office of the Sub Registrar, Dehradun from the year 2017 upto 17.11.2020 for last more than 4 years in respect of **All that 1/4th part of land bearing property no. 9 Old Survey Road, Dehradun having area of 1957 sq. yards or 1636 sq. meter** (morefully described in the Schedule of property) given at the foot of this certificate. The said property is standing in the name **Smt. Vibha Rastogi wife of Shri Umesh Rastogi**.

Whereas previously the property no. 9, Old Survey Road, Dehradun having an area of 5 Bighas belonged to Col. Survda Nand Sharma (Lt. Col. S.N. Sharma) son of Late Shri R.S. Pandit Charanji Lal they sold the said property to Kr. Chander Bahadur Singh and Kr. Padam Bahadur Singh vide sale deed dated 24.10.1959.

Whereas Kr. Chander Bahadur Singh and Kr. Padam Bahadur Singh also inherited the same from their father Shri Shamsher Bahadur Singh and the name of Shri Shamsher Bahadur Singh has been recorded in the municipal records since the 1943.

Whereas Col. Survda Nand Sharma (Lt. Col. S.N. Sharma) son of Late Shri R.S. Pandit Charanji Lal sold the land part of property no. 9 Old Survey Road, Dehradun an area of 5 Bighas to Shri Deep Chand Jain son of Late Shri L. Mahavir Pd. Jain vide sale deed dated 24.04.1972 duly registered in the office of the sub registrar, Dehradun in book no. 1 volume 1085 pages 346 to 349 registered at serial no. 2504 dated 20.06.1972.

Whereas Shri Deep Chand Jain son of Late Shri L. Mahavir Pd. Jain executed a POA in favour of Shri Neeraj Jain regarding the said land measuring 1636 sq. meter.

Whereas Shri Deep Chand Jain son of Late Shri L. Mahavir Pd. Jain through his attorney Shri Neeraj Jain sold 1/4th undivided share in the above said property of land to Shri Umesh Rastogi son of Shri Jai Prakash Rastogi vide sale deed dated 14.06.1989 duly registered in the office of the sub registrar, Dehradun in book no. 1 volume 2964 page 43 and in additional file book no. 1 volume 3448 on pages 65 to 96 registered at serial no. 6782 dated 01.07.1989.

Whereas Shri Deep Chand Jain son of Late Shri L. Mahavir Pd. Jain sold their 3/4th share of the said

Prabha Singh
PRABHA SINGH
 (Advocate)

land through his attorney to Shri Umesh Rastogi, Shri Kamal Rastogi and Shri Naveen Rastogi vide 3 different sale deeds and the basis of the said deeds he sold our all area of land i.e. 1636 sq. meter.

Whereas all the share holder of the said land have avail finance assistance from the S.B.I. through mortgaged the our 1/4th share of the said land.

Whereas Shri Umesh Rastogi son Shri Jai Prakash Rastogi died on 16.03.2015 and after his death the said property devolved upon his legal heirs Smt. Vibha Rastogi wife and son Shri Agrim Rastogi and a daughter Smt. Shubhi Rastogi.

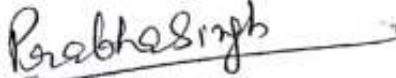
Whereas Shri Agrim Rastogi and Smt. Shubhi Rastogi executed a relinquished dated 06.04.2015 in favour of their mother Smt. Vibha Rastogi wife of Late Shri Umesh Rastogi and relinquish their share in the said property their mother duly registered in the office of the sub registrar, Dehradun in book no. 1 volume 5803 on pages 163 to 182 registered at serial no. 1310 dated 09.05.2015.

The said property of land is already mortgaged with S.B.I. SME, Branch, Rajpur Road, Dehradun.

So on perusal of record and inspection made in the office of the Sub Registrar, Dehradun and revenue records do hereby certify that the said property is not free from all sort of encumbrances etc. and mortgaged in SBI, Dehradun and **Smt. Vibha Rastogi wife of Late Shri Umesh Rastogi** holding a clear and marketable title without absolute transferable rights over the said property/land.

Provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 are applicable to the present property.

9	Nature of Title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/ Possessory Rights or Inam Holder or Govt. Grantee/Allottee etc.)	Absolute owner/Full ownership rights.
10	If leasehold, whether;	No
	a)lease Deed is duly stamped and registered	Not Applicable
	b)lessee is permitted to mortgage the Leasehold right,	Not Applicable
	c)duration of the Lease/unexpired period of lease,	Not Applicable.
	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.	Not Applicable
	e)Whether the leasehold rights permits for the creation of any superstructure (if applicable)?	Not Applicable
	f)Right to get renewal of the leasehold rights and nature thereof.	Not Applicable
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,	Not Applicable
	the mortgagor is competent to create charge on such property,	Not Applicable
	whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	Not Applicable
12	If occupancy right, whether;	Not Applicable
	a)Such right is heritable and transferable,	Not Applicable
	b)Mortgage can be created.	Not Applicable
13	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible, the modalities/	Not Applicable

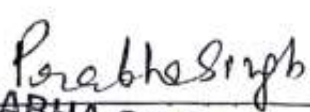

PRABHA SINGH
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Reg. No.-UA 2324/04

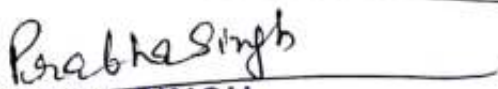
Office of the Sub Registrar, Dehradun

	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:	Not Applicable.
	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.	Not Applicable
	(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 or unregistered will?	Not Applicable
	(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?	Not Applicable
	(b) Whether the property belongs to church/ temple or any religious/other institutions having any restriction in creation of charges on such properties?	No
	(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.	Not Applicable
	(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 Agricultural land and whether there are any restrictions for creation/enforcement of mortgage.	Not Required, property is already mortgaged in the bank.
	(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?	Not Applicable
	(c) In the case of conversion of Agricultural land for	-

6

PRABHA SINGH
 (Advocate)

	commercial purposes or otherwise, whether requisite procedure followed/permission obtained.	
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 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
	(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/ 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.	Not Applicable
	(b) Property belonging to partners, whether thrown on hotchpot? Whether formalities for the same have been completed as per applicable laws?	-
	(c) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	-
25	Whether the property belongs to a Limited Company, check the Borrowing powers, Board resolution, authorisation 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.	N.A.
	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) ?	N.A.
	iii) Whether the above search of charges reveals any prior charges/encumbrances, on the property	N.A.

7

PRABHA SINGH
 (Advocate)

	(proposed to be mortgaged) created by the vendor company (seller) ?Yes / No.	
	iv) If the search reveals encumbrances / charges, whether such charges/encumbrances have been satisfied?Yes/No	N.A.
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?	Not required
	(b) Whether the POA involved 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.	No
	(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).	Not Applicable
	(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? 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?	Not required already mortgaged with the bank.
	(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,	No

	statutory dues paid/payable as on date and if not paid, what remedy?	
33	(a) Urban land ceiling clearance, whether required and if so, details thereon.	Not Applicable in U.K.
	(b) Whether No Objection Certificate under the Income Tax Act is required/ obtained.	Not required take affidavit regarding the same.
34	Details of RTC extracts/mutation extracts/ Katha extracts pertaining to the property in question.	Take the latest tax receipt.
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? (b) Whether the demarcation/ partition of the property is legally valid? (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 - Yes
37	Whether the property can be identified from the following documents, and discrepancy/doubtful circumstances, if any revealed on such scrutiny? (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; (d) Other utility bills, if any.	Yes no discrepancy . Copy enclosed - -
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
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.)	Valuation or any other report not available.
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.	Take original sale deeds. already mortgaged with the bank.
41	Whether the Bank will be able to enforce SARFESI Act, if	Yes

10 *Prabha Singh*
PRABHA SINGH
 (Advocate)

	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.	Take original sale deeds. already mortgaged with the bank.
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.	Borrower will be able to create mortgage
44	Additional aspects relevant for investigation of title as per local laws.	None
45	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	Take original sale deeds.
46	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Smt. Vibha Rastogi wife of Shri Umesh Rastogi.
47.	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act, 2016? Y/N.	No
	Whether the project is registered with the Real Estate Regulatory Authority? If so, the details of such registration are to be furnished,	N.A.
	Whether the registered agreement for sale as prescribed in the above Act/Rules there under is executed?	N.A.
	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: 20.11.2020

Place: Dehrdaun

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Signature of the Advocate

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Annexure – C: Certificate of title

I have examined the Original Title Deeds intended to be deposited relating to the schedule property/(ies) and offered as security by way of **Equitable Mortgage (*please specify the kind of 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 prior Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from **2017 to 17.11.2020** pertaining to the Immovable Property/(ies) covered by above said Title Deeds. The said property is not free from all encumbrances and presently mortgaged in S.B.I., Dehradun.

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 and agreed to by the Mortgagor and the Bank (Delete, whichever is inapplicable).

7. Minor/(s) and his/ their interest in the property/(ies) is to the 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 **M/s Kamal Jewelers.**

9. I certify that **Smt. Vibha Rastogi wife of Shri Umesh Rastogi** 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- Original Relinquishment deed dated 06.04.2015 registered at serial no. 1310.
- 2- Original Sale Deed dated 14.06.1989 registered at serial no. 6782.
(Already mortgaged with the Bank.)

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)

All that 1/4th part of land bearing property no. 9 Old Survey Road, Dehradun having area of 1957 sq. yards or 1636 sq. meter bounded ant butted as under:

EAST: Open plot and the property of Mr. Ghai, side measuring 90 feet.

WEST: Road, side measuring 143 feet

NORTH: House of Shri H.K. Sharma and the property of Ranbeer Hall, side measuring 132 feet.

SOUTH: House of Miss Promila Mehra and house of Mr. D.K. Suri, side measuring 171 feet 6 inch.

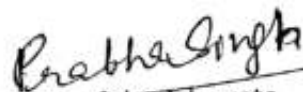
Place : Dehradun

Date : 20.11.2020

Enclosure:

1- Search receipts.

2- Copy of electricity bill.


Signature of the Advocate

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Ch. No.-7, Court Compound, D.Dun.