

Pawan Kumar Saxena

Advocate

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Compound, Kanpur Nagar.
37/17 Westcott Building,
Mall Road, Kanpur

Ref: -

Date : 03-03-2021

1	a) Name of the Branch/ Business Unit/Office seeking opinion.	RMME State Bank of India Commercial Branch, The Great eastern Centre, 70 Ground Floor Nehru Place, New Delhi.
	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. K.K.Spum India Limited.
2	a) Name of the unit/concern/ company/person offering the property/ (ies) as security.	M/s.K.k.Spum India Limited. Reg.off.at 7/18 A Ground Floor Sarvapriya Vihar, New Delhi. Through its Director Mr. Himanshu Gupta s/o sri Pramod Gupta A Limited company.
	b) Constitution of the unit/concern/ person/ body/ authority offering the property for creation of charge.	
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	As mortgagor/guarantor
3	Complete or full description of the immovable property/ (ies) offered as security including the following details	Industrial Plot No. A-1 & A-2 both situated at Industrial Groth Centre Jainpur, District Kanpur Dehat. Admeasuring 13928.45 sq.mt.
	(a) Survey No.	Ind.plot A-1 & A-2 Jainpur Akbarpur
	(b) Door/ House No.	Industrial Plot No. A-1 & A-2
	(c) Extent/ area including plinth/ built up area in case of house property	Admeasuring 13928.45 sq mtr.
	(d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries.	East : Administrative Building West: plot no.A-3Ind.Groth centre jainpur North : PWD Gagneer road South : 18 Mt.wide road no.9
4	a) Particulars of the documents scrutinized serially and chronologically.	

(a) 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.				
S. No.	Name/ Nature of the Document	Date /Doc.	Original/ certified copy/ certified extract/ photocopy, etc.	In case of copies, whether the original was scrutinized by the Advocate
	Lease deed dt. 19-07-2010 Doc. No. 3488 NOC of UPSIDC Ltd.dt.03-02-2021 in favor of SBICAP Trustee company Ltd. NOC Banker Hero FinCorp dt.25-01-2021		Certified copy copy	No.
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.)		Yes	
	b) i) Whether all pages in the Certified copies of title documents which are obtained directly from sub-registrar office have been verified page by page with the original documents submitted ?		yes	
	b) ii) Whether 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 original title deed is not produced for comparing with the certified or ordinary copies should be handled more diligently & cautiously)		No.	
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?		Online portal not available	
	b) If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.		No.	
	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?		N.A.	
7	a) Property offered as security falls within the jurisdiction of which sub-registrar office?		Sub-Registrar, Akbarpur Kanpur Dehat	
	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	

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	c) Whether search has been made at all the offices named at (b) above?	Not Applicable
	d) Whether searches in the office of registering Authorities or any other records reveal registration of multiple title documents in respect of the property in question ?	No.
8	<p><u>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.</u></p> <p>From the perusal of Lease Deed dt. 19-07-2010, executed by U.P. State Industrial Development Corporation Ltd. Kanpur through its RM Mr. Anil Verma in favour of A Company M/s. K.K. Spum pipe pvt. Ltd. through its Director Mr. Himanshu Gupta s/o Sri Pramod Gupta. Which is related to property Industrial Plot No. A-1 (measuring 7121.32sq.mt.) & A-2 (measuring 6807.13sq.mt.) both situated at Industrial Groth Centre Jainpur District Kanpur Dehat. Total Admeasuring 13928.45 sq mtrs. Which was duly Regd. In Book No. 1 Vol. No. 2000 on pages 311 to 422 at Serial No. 3488 Reg. on 27-07-2010 in the office of sub-Registrar Akbarpur Kanpur Dehat. As such by virtue of aforesaid lease deed said company became lessee of said industrial property has lease hold rights in the demise land. It is also evident that said company was incorporated as M/s. K.K. Spum India Limited. after incorporation all assets & liabilities belongs to said company.</p> <p>Further perusal of next documents NOC of UPSIDC Ltd. dt. 03-02-2021 no. in favor of SBICAP Trustee company Ltd. and NOC Banker, Hero FinCorp dt. 25-01-2021 no. RF/SME/Jan2021/2418. It is evident that property in question previously mortgage with Hero Fin Corp and after payment of all loan amount said banker issued said no object certificate and property belongs to UPSIDC Ltd, so regarding mortgage authority issued aforesaid letter in favor of SBI CAP Trustee Company.</p> <p>A valid and Enforceable Mortgage can be created by Company M/s K.K. Spum India Ltd through its Authorized Director by deposit of Original lease Deed dt. 19-07-2010 Doc. No. 3488 of Aforesaid Property as Collateral Security with Mortgage permission with the bank and complying other usual formalities of the Bank.</p>	
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.)	Lease hold
10	If leasehold, whether;	Yes
	a) lease Deed is duly stamped and registered	
	b) lessee is permitted to mortgage the Leasehold right,	With Mortgage permission from UPSIDC Kanpur
	c) duration of the Lease/unexpired period of lease,	85 year's. Unexpired term 65 years.
	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	As per consideration of the authority

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	<p>title thereon.</p> <p>(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.</p> <p>(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?</p>	
16	<p>Whether the title documents include any testamentary documents /wills?</p> <p>(a) In case of wills, whether the will is registered will or unregistered will?</p> <p>(b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?</p> <p>(c) Whether the property is mutated on the basis of will?</p> <p>(d) Whether the original will is available?</p> <p>(e) Whether the original death certificate of the testator is available?</p> <p>(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.)</p>	No.there is no will.
17	<p>(a) Whether the property is subject to any wakf rights?</p> <p>(b) Whether the property belongs to church/ temple or any religious/other institutions having any restriction in creation of charges on such properties?</p> <p>(c) Precautions/ permissions, if any in respect of the above cases for creation of mortgage?</p>	No
18	<p>(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.</p> <p>(b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?</p>	No
19	<p>(a) Whether the property belongs to any trust or is subject to the rights of any trust?</p> <p>(b) Whether the trust is a private or public trust and whether trust deed specifically authorizes</p>	No

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	the mortgage of the property?	
	(c) If so additional precautions/permissions to be obtained for creation of valid mortgage?	
	(d) Requirements, if any for creation of mortgage as per the central/ state laws applicable to the trust in the matter.	
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.	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 Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained.	No
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?	Not Applicable
	(b) Whether any search/enquiry is made with the Land Acquisition Office and the outcome of such search/enquiry.	No
22	(a) Whether the property is involved in or subject matter of any litigation which is pending or concluded?	Not Applicable
	(b) If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?	
	(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.	
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	Not Applicable

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	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.	
	b) i) Whether the property (to be mortgage) is purchased by the above company from any other company or Limited Liability partnership (LLP) firm ? Yes /No.	
	b) 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) ?	
	b) 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	
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 Applicable
	(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.	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, 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. 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	Not Applicable

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	for execution of title document in question?	
	(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?	
	(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.	Not Applicable
29	<p>If the property is a flat/apartment or residential/commercial complex, check and comment on the following:</p> <p>(a) Promoter's/Land owner's title to the land/building;</p> <p>(b) Development Agreement/Power of Attorney;</p> <p>(c) Extent of authority of the Developer/builder;</p> <p>(d) Independent title verification of the Land and/or building in question;</p> <p>(e) Agreement for sale (duly registered);</p> <p>(f) Payment of proper stamp duty;</p> <p>(g) Requirement of registration of sale agreement, development agreement, POA, etc.;</p> <p>(h) Approval of building plan, permission of appropriate/ local authority, etc.;</p> <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 of the Housing Society, if any;</p> <p>(p) If the property is a vacant land and construction is yet to be made, approval of layout 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>	Not Applicable
30	Encumbrances, Attachments, and/or claims whether of Government, Central or State or	No.

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	other Local authorities or Third Party claims, Liens etc. and details thereof.	
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.	I have inspected the record in the office of Sub-Registrar- Akbarpur Kanpur Dehat for the period 2020 to 2020 (upto date) and no registered encumbrances has been found in record made available for inspection. (The inspection for 30 years not necessary because property in question sold/lease by Govt. of UP through its statutory body UPSIDC Ltd.)
32	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	Please obtain from the mortgagor.
33	(a) Urban land ceiling clearance, whether required and if so, details thereon. (b) Whether No Objection Certificate under the Income Tax Act is required/ obtained.	The Ceiling Act is repealed so no question arise. Please obtain.
34	Details of RTC extracts/ mutation extracts/ Katha extracts pertaining to the property in question.	Not Applicable
35	Whether the name of mortgagor is reflected as owner in the revenue/Municipal/Village records?	Yes, in govt record's.
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?	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.	Please obtain deposit receipt of electricity bill's copy or other receipt of utility bill.
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.)	Not Applicable
40	Any bar/restriction for creation of mortgage.	Not Applicable

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	under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	
41	Whether the Bank will be able to enforce SARFESI Act, if required against the property offered as security?	Yes, The provision of SARFESI Act is applicable over the said property
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.	Not Applicable
44	Additional aspects relevant for investigation of title as per local laws.	No
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.	M/s.K.K.Spum India Limited. Through its Authorized Director.
47	Whether the real state project comes under real state (Regulation and Development) Act, 2016 ? Yes/No	Not applicable
	Whether the project is registered with the real state regularity authority ? If so, the details of Sub-Registration are to be furnished.	Not applicable
	Whether the registered Agreement for Sale as Prescribed in the above Act/Rules there under executed ?	Not applicable
	Whether the details of the apartment/plot in question are verified with the List of Numbers and type of apartment or plots booked as uploaded by the promotor in the website of real state regularity authority ?	Not applicable



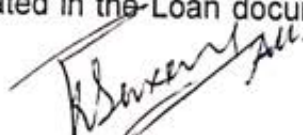
Pawan Kumar Saxena
Advocate

Date :- 03-03-2020

Annexure - C1: Certificate of Title on the Basis of Certified copies of the Title Deeds

I have examined the Certified copies of Original Title Deeds intended to be deposited relating to the schedule property/(ies) to be offered as security by way of *Registered/ Equitable/English Mortgage and that the certified copies of documents of title referred to in the Opinion are valid as secondary evidence of Right, title and Interest and that the said Registered/ Equitable Mortgage to be created on production of original title deeds will satisfy the requirements of creation of Registered/ Equitable Mortgage and I further certify that: (***please specify the kind of mortgage**)

2. I have examined the Certified copies of Documents in detail, taking into account all the Guidelines in the check list vide Annexure B and the other relevant factors and undertake to re-examine the original title deeds as and when produced and
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 on production of the original title deeds. 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 and relative Certified copies of Title Deeds, certified copies of such title deeds obtained from the concerned registrar office and encumbrance certificate (EC) I hereby certify the genuineness on the basis of the certified copies 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 from 2000 to 2020 pertaining to the Immovable Property/(ies) covered by above said Certified copies Title Deeds. The property appears to be 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 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 (Specify the share of the Minor with Name). N.A.

8. The Mortgage if created, will be available to the Bank for the Liability of the Intending Borrower, Shri/Smt/. M/s.K.K.Spum India Limited.

9. I certify that Shri/ Smt /M/s. K.K.Spum India Limited Through its Director's has / have an absolute, clear and Marketable title over the Schedule property/ (ies). I further certify that the above certified copies of title deeds appear to be genuine and a valid mortgage can be created on the basis of the original title deeds 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 original title deeds/ documents the certified copies of which have been examined would create a valid and enforceable mortgage:-

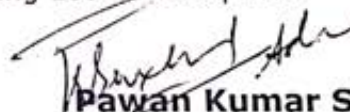
Note :- Documents required for creation of equitable mortgage and chain of title.

- 1- Original Lease deed dt. 19-07-2010 Doc. No. 3488
- 2- Mortgage permission from UPSIDC Ltd.Kanpur,UP.
- 3- NOC of Hero Fin Corp.

11. There are no legal impediments for creation of the Mortgage on production of original of title deeds the certified copies of which I have examined under any applicable Law/ Rules in force.

Schedule of property :- Industrial Plot No. A-1 &A-2 situated at Industrial Groth Centre Jainpur District Kanpur Dehat. Admeasuring 13928.45 sq mtr.

Date :- 03-03-2020


Pawan Kumar Saxena
Advocate