

The Legalist

Advocates & Consultants

Address: 1105, Prasad Chambers, Tata Road, Opera House, Mumbai - 400 004.
Tele Fax No. 022 - 23675761. E-mail: thecargroup@gmail.com

The Dy. General Manager
State Bank of India
Bharat Diamond Bourse Branch (BDB)
Bandra Kurla Complex (BKC)
Bandra East, Mumbai 400051

12.09.2020

Memorandum of fees

In the matter of S Rajiv & Co. Property at 705 Majestic Shopping centre Premises
Housing Co operative Society Ltd 144 JSS Road, Mumbai 400004

No.	Paid to Search Clerk for Certified Copy & Fees of Adv.	Your Ref. & Date	Our Ref	Amount (Rs.)
1.	Search Report : Fees paid to the Search Clerk for obtaining Report for 13 years on the Property being a Office <u>705 Majestic Shopping centre</u>	By your message dated 04.09.2020	Bill no. 1	Rs. 1,500.00
2.	Professional Fees of the Advocate for making complete investigation on title of the property	-do-	Bill of the Advocate	Rs. 7,000.00
TOTAL Rs. 8,500.00 (Rupees Eight Thousand Five Hundred Only)				

Kindly pay by CASH or by cheque or by RTGS as per details given here under:-

PAN No. AAGFT6596C

Bank Account Details:

THE LEGALIST

Current Account No. 32286961437

State Bank of India, Girgaon Branch, Mumbai

IFS Code SBIN0000374, MICR No. 400002028

With regards,
Yours sincerely,

Advocate
For, The Legalist

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Annexure-B

Report of Investigation of Title in respect of immovable Property

(All columns/items are to be completed/commented by the Advocate)

SBI/Revive/C- 19 -2

DATE: 12.09.2020

1	<p>a) Name of the Branch/ Business Unit/Office seeking opinion.</p> <p>b) Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.</p> <p>c) Name of the Borrower / Party.</p>	<p>State Bank of India, Diamond Branch Bharat Diamond Bourse (FDB), Bandra (Kurla) Complex (BKC), Mumbai 400051</p> <p>State Bank of India, Ms. Sabita Gawari, Service Officer Diamond Branch, Message dated 04.09.2020</p> <p>S RAJIV & COMPANY</p>										
2.	<p>a) Name of the unit/concern/ company/person offering the property/ (ies) as security.</p> <p>b) Constitution of the unit/concern/ person/body/authority offering the property for creation of charge.</p> <p>c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)</p>	<p>Partnership Firm by its Partner Mr. Shreyas R. Jhaveri</p> <p>Partnership Firm</p> <p>Partner Mr. Shreyas R. Jhaveri 1.</p>										
3.	<p>Complete or full description of the immovable property (ies) offered as security including the following details.</p> <p>a) Survey No.</p> <p>b) Door/House No. (in case of house property)</p> <p>c) Extent/ area including plinth/ built up area in case of house property</p> <p>d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries.</p>	<p>Office Premises No. 705 admeasuring 46.10 SMT built up area in the 7th Floor in the building known as Majestic Shopping Centre Premises Co-operative Society Ltd. situate at 144 J.S.S Road, Cadastral Survey (CS) No. 1458 of Girgaon Division, Mumbai 400004.</p> <p>Building constructed on land bearing CS No. 1458 of Girgaon Division, Mumbai 400004</p> <p>Not Applicable (NA)</p> <p>Built Up Area 46.10 SMT</p> <p>Office Premises No. 705 admeasuring 46.10 SMT built up area in the 7th Floor in the building known as Majestic Shopping Centre situate at 144 J.S.S Road, Cadastral Survey (CS) No. 1458 of Girgaon Division, Mumbai 400004.</p>										
4.	<p>a) Particulars of the documents scrutinized-serially and chronologically.</p> <p>b) Nature of documents verified and as to whether they are originals or certified copies or registration extracts only certified.</p> <p>Note: Only originals or certified extracts from the registering/land/ revenue/ other authorities be examined.</p>											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Sr. No.</th> <th style="width: 50%;">Date</th> <th style="width: 30%;">PARTICULARS</th> <th style="width: 10%;">Certified copy/ certified extract/ photocopy, etc.</th> <th style="width: 10%;">In case of copies whether the original was scrutinized by the advocate - No. the Original Need to be Scrutinized at lenders site as they are mortgaged to them.</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>03.07.2009</td> <td>An Articles of Agreement was executed on 06. 01. 977 by and</td> <td>Original</td> <td>Original scrutinized</td> </tr> </tbody> </table>	Sr. No.	Date	PARTICULARS	Certified copy/ certified extract/ photocopy, etc.	In case of copies whether the original was scrutinized by the advocate - No. the Original Need to be Scrutinized at lenders site as they are mortgaged to them.	1.	03.07.2009	An Articles of Agreement was executed on 06. 01. 977 by and	Original	Original scrutinized	
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1.	03.07.2009	An Articles of Agreement was executed on 06. 01. 977 by and	Original	Original scrutinized								

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		between GOWANI THEATRES PRIVATE LIMITED of registered office at 501, COMMERCE House, 140 Nagindas Master Road, FORT, Mumbai 400001 of the One Part with USHABEN RAMANIKLAL ZHAVERI an Individual residing at 5, Vipul, 2 nd Floor, 28, Ridge Road, BOMBAY 400006 THE other Part.		
2.		M/S GOWANI THEATRES PRIVATE LIMITED WAS CONSTRUCTING THE Building known as Majestic Shopping Centre under plan & specification approved by the Government. They had the right to make necessary changes and construct the building as per plan.	-do-	
3.		After the possession of the said Office was handed over to the Purchaser, the seller was not being liable in any manner or responsible.	-do-	
4.		The BUILDING LATER ON KNOWN AS majestic shopping centre AND THE NAME OF THE Co-operative Housing Society to be formed.	-do-	-do-
5.		After issuance of Occupation Certificate a proper Conveyance was executed by Gowani Theatres Pvt. L. TD IN FAVOUR OF THE Society. Which was duly registered.	-do-	
6.		The First Schedule of the above referred Deed :- ALL THAT piece of Land or ground of the Pension and Tax Tenure together with right, title and interest of the Lesser in the Lease Deed dated 24.07.1945 from Bai Monghibhai widow of Haji Bachooally and Others to Ardeshir Merwan Irani and Abdulally Esufally in the registration District of Bombay containing by measurement 2565.53 Square Yards is registered in the records of Collector of Land Revenue under old no 685 Collector's new no 3144, Old Survey no 142, New Survey No 8045 and CS no. 3144 Old Survey No 142, New Survey No 8045 and CS no. 1458 Girgaum Division which is free from all encumbrances and is having marketable title vide certificate issued by AMBUBHAI & DIWANJI of Lentin Chambers, Dalal Street, Fort, Bombay 4000001 Attorneys - at - Law The said title was duly registered at BOMBAY 3/5580/2009.		
6.		NOC issued by BDB to SBI Diamond Branch for creation of Mortgage on the said property as security for loan granted by State Bank of India.	-do-	-do-

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7.	10.07.1995	Share Certificate ISSUED by Majestic Shopping Centre Premises Co-operative Housing Society Ltd for 5 shares from 491 to 495 of Rs 250.00 each	
8.	---	Latest Property / Maintenance Bill of the Society	
9.	10.11.1992	Electric Consumption Bill of the Premises, latest bill may be taken on record	
5.	<p>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 proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.)</p> <p>b) 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?</p> <p>c) 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 original's title deed is not produced for comparing with the certified or ordinary copies should be handled more diligently & cautiously).</p>		Yes with the Certified Copy retained.
			Yes
			Not Applicable
6.	<p>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?</p> <p>b) If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.</p> <p>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?</p>		Yes, from the year 2002
			Verified as per Certificate of Search Clerk, attached
			No
7.	<p>a) Property offered as security falls within the jurisdiction of which sub-registrar office?</p> <p>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?</p> <p>c) Whether search has been made at all the offices named at (b) above?</p> <p>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?</p>		Sub Registrar Office, Bandra - 4
			Registration Office, Bandra & Andheri, Mumbai
			Yes
			No
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		Separate Sheet is attached.

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9.	mandatory. (Separate Sheets may be used) 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.)	Ownership Lease Rights
10.	If leasehold, whether: a) lease Deed is duly stamped and registered b) lessee is permitted to mortgage the Leasehold right. c) duration of the Lease/unexpired period of lease, d) if a sub-lease, check the lease deed in favor of 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)? f) Right to get renewal of the leasehold rights and nature thereof.	Yes Yes 85 years more or less Yes NO 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? any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available?	Yes Yes Yes Yes (NOC obtained from Majestic Shopping Centre Hsg. Society limited)
12.	If occupancy right, whether; a) Such right is heritable and transferable, b) Mortgage can be created.	Yes 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.	Not Applicable
14.	If the property has been transferred by way of Gift/Settlement Deed, whether: a) The Gift/Settlement Deed is duly stamped and registered; b) The Gift/Settlement Deed has been attested by two witnesses; c) The Gift/Settlement Deed transfers the property to Donor; d) Whether the Donor has accepted the gift by signing the Gift/Settlement Deed or by a separated writing or by implication or by actions? e) Whether there is any restriction on the Donor in executing the gift/settlement deed in question? f) Whether the Donor is in possession of the gifted property? 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; h) Any other aspect affecting the validity of the title passed through the gift/settlement deed.	No Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable 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	Not Applicable

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	mortgagor is in possession and enjoyment of his share.	
	e) Whether the partition made is valid in law and the mortgagor has acquired a mortgageable 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?	Not Applicable
	g) (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?	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 YES, 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?	NA Land
	b) In case of agricultural property other relevant records/documents as per local laws, if any are to be verified	NA

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	to ensure the validity of the title and right to enforce the mortgage?	
	c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained?	NA
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
	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?	Not Applicable
	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?	Not Applicable
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 hotelpot? 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,	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.	Not Applicable
	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)?	Not Applicable
	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.	No
	iv) If the search reveals encumbrances / charges, whether such charges/encumbrances have been satisfied? Yes/No	Not Applicable
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?	No

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	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 favor 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/Individuals or Proprietary Concerns in favor of their Partners/ Employees/ Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreements of Sale, Sale Deeds, etc. in favor of buyers of flats/units (Builder's POA) or (ii) other type of POA (Common POA).	No
	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?	
	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	If the property is a flat/apartment or residential/commercial complex, check and comment on the following:	Commercial Complex
	a) Promoter's/Land owner's title to the land/ building:	Clear
	b) Development Agreement/Power of Attorney:	Not applicable
	c) Extent of authority of the Developer/builder:	To sale lease hold rights
	d) Independent title verification of the Land and/or building in question:	Yes. Last 13 Years
	e) Agreement for sale (duly registered):	Yes
	f) Payment of proper stamp duty:	Yes
	g) Requirement of registration of sale agreement, development agreement, POA, etc.:	Duly registered
	h) Approval of building plan, permission of appropriate/local authority, etc.:	As approved by MIDC
	i) Conveyance in favor of Society/ Condominium concerned:	Share Certificate issued by the Society verified - in order
	j) Occupancy Certificate/allotment letter/letter of possession:	Possession given by the Lessor and the Society
	k) Membership details in the Society etc.:	Yes

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l) Share Certificates:	NA
m) No Objection Letter from the Society:	NA
n) All legal requirements under the local/Municipal laws regarding ownership of flats/Apartments/Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.:	Yes
o) Requirements for noting the Bank charges on the records of the Housing Society, if any:	NA
p) If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any:	Complete OFFICE premises duly separated by boundary
q) Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	Yes
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.	Encumbered in favour of State Bank of India, Diamond Branch
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.	Period covered under the Encumbrances Certificate is 13 years.
32. Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	Current Property tax bill to be taken on record to be changed in the name of current owner Company.
33 a) Urban land ceiling clearance, whether required and if so, details thereon.	NA
b) Whether No Objection Certificate under the Income Tax Act is required/obtained?	Yes. However, the Branch is advised to obtain from the owner a declaration in Bank's Format in regard to IT Certificate U/s 281 of the Income Tax Act, 1961 as on a recent date.
34. Details of RTC extracts/mutation extracts/ Katha extract 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
36 a) Whether the property offered as security is clearly demarcated?	Yes
b) Whether the demarcation/ partition of the property are legally valid?	Yes
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
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;	Yes
b) Document in relation to water connection;	-do-
c) Document in relation to Sales Tax Registration, if any applicable;	Not Applicable
d) Other utility bills, if any.	Latest Electricity Consumption bill of the Firm.
38. In respect of the boundaries of the property, whether there is a	No

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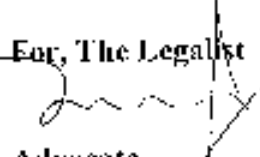
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	difference/discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/ comment on the same.	
39.	If the valuation report and/or approved/ 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.)	Copy of valuation report of VIPUL C. GOSALIYA Government Registered Valuer vide Report dated 20.01.2019 - seen
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.	No
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 laws.	No
45.	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	Registered Mortgage (RM)
46.	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	S Rajiv & Co by its partner
47.	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act, 2016? Whether the project is registered with the Real Estate Regulatory Authority? If so, the details of such registration are to be furnished.	Not Applicable being an old property 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: -12.09.2020

Place: -Mumbai

For, The Legalist

Advocate

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Annexure-C: Certificate of title

1. I have examined the Original Title Deeds deposited relating to the schedule of property/(ies) and offered as security by way of Registered Mortgage (RM) and that the documents of title referred to in the Opinion are valid evidence of Right, Title and Interest and that if the said Registered Mortgage Created, satisfies the requirements of creation of 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 exists Mortgage/ Charges/ encumbrances as could be seen from the Encumbrance Certificate for the period of the past 30 years pertaining to the Immovable Property/(ies) covered by above said Title Deeds. The property is free from all Encumbrances, except existing charge of State Bank of India.
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) are to the extent of _____ (Specify the share of the Minor with Name). (Strike out if not applicable). **NOT APPLICABLE.**
8. The Mortgage Charge is available to the Bank for the Liability of the Intending Borrower, **M/s. S. Rajiv & Co., the partnership Firm represented by Mr. Shreyas R. Jhaveri.**
9. I certify that M/s S. Rajiv & Co. has an absolute, clear and Marketable title over the Schedule property/ (ies) subject to leasehold rights for 75 years since 2007 for the office / Unit Premises. I further certify that the above title deeds are genuine and a valid mortgage was created and the said Mortgage which is enforceable subject to existing charge of State Bank of India as Leader of the Consortium.
10. In case of creation of **Registered Mortgage**, we certify that the deposit of following Title Deeds / Documents would create a valid and enforceable mortgage:
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 SARI AESI compliant.



The Legalist Advocates & Consultants

Address: 1105, Prasad Chambers, Tata Road, Opera House, Mumbai – 400 004.

Tele Fax No. 022 – 23675761. E-mail: thearsgroup@gmail.com

03.07.2009	An Articles of Agreement was executed on 06. 01.1977 by and between GOWANI THEATRES PRIVATE LIMITED OF registered office at 501, COMMERCE House, 140 Nagindas Master Road, FORT, Mumbai 400001 of the One Part with USHAIBEN RAMANIKIAI ZHAVERI an Individual residing at 5, Vipul, 2 nd Floor, 28, Ridge Road, BOMBAY 400006 THE other Part.
	M/S GOWANI THEATRES PRIVATE LIMITED WAS CONSTRUCTING THE Building known as Majestic Shopping Centre under plan & specification approved by the Government, they had the right to make necessary changes and construct the building as per plan. After the possession of the said Office was handed over to the Purchaser, the seller was not being liable in any manner or responsible. The BUILDING LATER ON KNOWN AS majestic shopping centre AND THE NAME OF THE Co-operative Housing Society to be formed. After issuance of Occupation Certificate a proper Conveyance was executed by Gowani Theatres Pvt. L TD IN FAVOUR OF THE Society. Which was duly registered
	The First Schedule of the above referred Deed :- ALL THAT piece of Land or ground of the Pension and Tax Tenure together with right, title and interest of the Lessor in the Lease Deed dated 24.07.1945 from Bai Monghibhai widow of Haji Bachooally and Others to Ardeshir Merwan Irani and Abdoolally Esufally in the registration District of Bombay containing by measurement 2565.53 Square Yards is registered in the records of Collector of Land Revenue under old no 685 Collector's new no 3144, Old Survey no 142, New Survey No. 8045 and CS no. 3144 Old Survey No 142, New Survey No. 8045 and CS no. 1458 Girgaon Division which is free from all encumbrances and is having marketable title vide certificate issued by AMBURHAI & DIWANJI of Lentir Chambers, Dalal Street, Fort, Bombay 400001 Attorneys – at – Law. The said title 2was duly registered at BOMBAY 3/5380/2009
	NOC issued by Majestic Shopping Centre Premises CHS Ltd. to SBI Diamond Branch for creation of Mortgage on the said property as security for loan granted by State Bank of India
10.04.1995	Share Certificate ISSUED BY Majestic Shopping Centre Premises Co-operative Housing Society Ltd for 5 shares from 491 to 495 of Rs 200.00 each
	Latest Property / Maintenance Bill of the Society
	Latest Electric Consumption Bill of the Premises

SCHEDULE OF THE PROPERTY (IES)

Office Premises No. 705 admeasuring 46.10 SMT built up area in the 7th Floor in the building known as Majestic Shopping Centre Premises Co-operative Society Ltd. situate at 144 J.S.S Road, Cadastral Survey (CS) No. 1458 of Girgaon Division, Mumbai 400004

Date: -12.09.2020

Place: - Mumbai

For, The Legalist

The Legalist

Advocates & Consultants

Address: 1105, Prasad Chambers, Tata Road, Opera House, Mumbai - 400 004.
Tele Fax No. 022 - 23675761. E-mail: thearsgroup@gmail.com

ANNEXURE-1

FLOW OF TITLE

From a perusal and from the copies of documents placed before me for verification, I observe as under:-

1. As from scrutiny we observe from examination of the documents placed before us

03.07.2009	<p>An Articles of Agreement was executed on 06. 07.1977 by and between GOWANI THEATRES PRIVATE LIMITED OF registered office at 501, COMMERCE House, 140 Nagindas Master Road, FORT, Mumbai 400001 of the One Part with USHABEN RAMANIKLAL ZHAVTRI an Individual residing at 5, Vipul, 2nd Floor, 28, Ridge Road, BOMBAY 400006 THE other Part.</p> <p>M/S GOWANI THEATRES PRIVATE LIMITED WAS CONSTRUCTING THE Building known as Majestic Shopping Centre under plan & specification approved by the Government they had the right to make necessary changes and construct the building as per plan.</p> <p>After the possession of the said Office was handed over to the Purchaser, the seller was not being liable in any manner or responsible.</p> <p>The BUILDING LATER ON KNOWN AS majestic shopping centre AND THE NAME OF THE Co-operative Housing Society to be formed.</p> <p>After issuance of Occupation Certificate a proper Conveyance was executed by Gowani Theatres Pvt. LTD IN FAVOUR OF THE Society. Which was duly registered.</p> <p>The First Schedule of the above referred Deed :- ALL THAT piece of Land or ground of the Pension and Tax Tenure together with right, title and interest of the Lessor in the Lease Deed dated 24.07.1945 from Bai Monghibhai widow of Haji Bachosally and Others to Ardeshir Merwan Irani and Abdulali Esufally in the registration District of Bombay containing by measurement 2565.53 Square Yards is registered in the records of Collector of Land Revenue under old no 685 Collector's new no 3144, Old Survey no 142, New Survey No. 8045 and CS no. 3144 Old Survey No 142, New Survey No. 8045 and CS no. 1458 Girgaum Division which is free from all encumbrances and is having marketable title vide certificate issued by AMBUBHAI & DIWANJI of Lentin Chambers, Dalul Street, Fort, Bombay 400001 Attorneys at Law. The said title was duly registered at BOMBAY 3/5580/2009.</p> <p>NOC issued by BDB SBI Diamond Branch for creation of Mortgage on the said property as security for loan granted by State Bank of India</p>
10.04.1995	<p>Share Certificate ISSUED BY Majestic Shopping Centre Premises Co-operative Housing Society Ltd for 5 shares from 491 to 495 of Rs 250.00 each</p>

Advocate
For, The Legalist

Date: 12.09.2020

ALPESH TETGURE

Search Clerk

Mumbai.

Mob. 9619119523/8655435853

SEARCH REPORT

Date:- 08/09/2020

File No.

To,

Mr. M. K. Ray

Advocate, Mumbai.

Subject: - Search Report in respect of:

Office No. 705 admeasuring 496 Sq. ft built up area in the building known as "Majestic Shopping Centre Premises Co-op. Soc. Ltd." situated at 144, J.S.S. Road, Cadastral Survey No. 1458 of Girgaum Division on the Registration District of Mumbai (hereinafter referred as the "***said Property***").

Dear Sir,

As per your instructions, I have conducted search in respect of above Property in the Sub-Registrar's offices at **Mumbai** from year 2008 to 2019 (13 years) respectively, the details of which mentioned hereunder.

SUB REGISTRAR OFFICE'S AT ANDHERI:

2008 Nil

2009:

Nature of Document: Declaration

M.V. Rs. 49,000/-

Schedule: Office No. 705 admeasuring 46.10 Sq. mts. built up area in the building known as "Majestic Shopping Centre Premises Co-op. Soc. Ltd." situated at 144, J.S.S. Road, Cadastral Survey No. 1458 of Girgaum Division.

1) Mrs. Ushaben Ramniklal Jhaveri

Execution Date : 03/07/2009

Indexed on : 07/07/2009

Document Sr. No. : BBE-3/5580/2009

2010 To 2013 Nil

2014 to 2019 Nil

2020 Record Not Maintained Properly



(**Note:** - The computerized records of Sub-Registrar of Assurances are not maintained properly; also, some Index-II (Manual & computerized) are missing from the records and hence this search report is based upon the Index II available in the SRO's office and subject to torn records/ missing records.)

Thanking You,
Yours truly

Alpesh Tetgure
Search Clerk

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