

ARBIND KUMAR SINGH

Advocate

Chamber No. 661, Dwarka Courts, New Delhi.

71A, First Ground Floor, Gali -5, Garhi East Of Kailash, New Delhi.

E-Mail: advocatearbind@gmail.com

Mobile No. 9999437273 & 9560223089

Ref No SBI- 580/2020

Dated: 30.07.2020

Annexure - B:

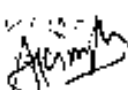
Report of Investigation of Title in respect of immovable Property

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

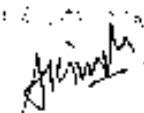
1.	a) Name of the Branch/ Business Unit/Office seeking opinion.	State Bank of India Overseas Branch Tolstoy Marg, New Delhi.			
	b) Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	SBI/2020/			
	c) Name of the Borrower.	M/s. Micro max Informatics Ltd			
2.	A) Name of the unit/concern/ company/person offering the property/ (ies) as security.	M/s. Micro max Informatics Ltd			
	b) Constitution of the unit/concern/ person/body/authority offering the property for creation of charge.	Company			
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	Borrower			
3.	Complete or full description of the immovable property/ (ies) offered as security including the following details.	Industrial property bearing No.437, area admeasuring 430 sq. mtrs., situated at Udayog Vihar, Phase-V, Lebaa & Distt. Gurugram, Haryana.			
	(a) Survey No.	N.A.			
	(b) Door/house no. (in case of house property)	N.A.			
	(c) Extent/ area including plinth/ built up area in case of house property	420 Sq. Mtrs.			
	(d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries.	Gurugram, Haryana.			
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.				
	Sl. No.	Date	Name/Nature of the Document	Original/certified copy/certified extract/ photocopy, etc.	In case of copies, whether the original was scrutinized by the Advocate
	1	04.06.2004	Conveyance Deed	Original	
	2	17.04.2008	Sale Deed	Original	

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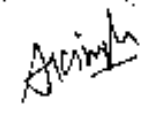
	3	24.07.2008	Re-allocation Letter	Original	
5.	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts)				Yes. certified copy of Sale Deed dated 17.04.2008 is not obtained.
6.	a) Whether the records of registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system?				Yes
	b) If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.				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?				No
7.	a) Property offered as security falls within the jurisdiction of which sub-registrar office?				Sub Registrar office-Gurgaon, Haryana.
	b) Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/ district registrar/ registrar- general. If so, please name all such offices?				No
	c) Whether search has been made at all the offices named at (b) above?				Yes.
	d) Whether the searches in the offices of registering authorities or any other records reveal registration of multiple title documents in respect of the property in question?				No
8.	Chain of title 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)				As per separate sheet Annexure- B, Column -8
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.)				Ownership rights
10.	If leasehold, whether:				No
	a) lease Deed is duly stamped and registered				N.A
	b) lessee is permitted to mortgage the Leasehold right.				N.A
	c) duration of the Lease/unexpired period of lease.				N.A
	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.				N.A.
	e) Whether the leasehold rights permits for the creation of any superstructure (if applicable)?				N.A
	f) Right to get renewal of the leasehold rights and nature thereof.				N.A

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 APPROVING AUTHORITY

	(b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	N.A.
	(c) Whether the property is mutated on the basis of will?	N.A.
	(d) Whether the original will is available?	N.A.
	(e) Whether the original death certificate of the testator is available?	N.A.
	(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.)	N.A.
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?	N.A.
	(c) Precautions/ permissions, if any in respect of the above cases for creation of mortgage?	N.A.
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.	N.A.
	(b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?	N.A.
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?	N.A.
	(c) If so additional precautions/ permissions to be obtained for creation of valid mortgage?	N.A.
	(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?	N.A.
	(c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained.	N.A.
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	NO.

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	ascertained from the office of sub-registrar also?)	
	(g) Please comment on the genuineness of POA?	N.A.
	(h) The unequivocal opinion on the enforceability and validity of the POA?	N.A.
28.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/ stamped/ authenticated in terms of the Law of the place where it is executed.	No
29.	If the property is a flat/apartment or residential/commercial complex, check and comment on the following: (a) Promoter's/Land owner's title to the land/ building; (b) Development Agreement/Power of Attorney; (c) Extent of authority of the Developer/builder; (d) Independent title verification of the Land and/or building in question; (e) Agreement for sale (duly registered); (f) Payment of proper stamp duty; (g) Requirement of registration of sale agreement, development agreement, POA, etc.; (h) Approval of building plan, permission of appropriate/local authority, etc.; (i) Conveyance in favour of Society/ Condominium concerned; (j) Occupancy Certificate/allotment letter/letter of possession; (k) Membership details in the Society etc.; (l) Share Certificates; (m) No Objection Lett. (n) All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.; (o) Requirements, for noting the Bank charges on the records of the Housing Society, if any; (p) If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any. (q) Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	Industrial property N.A for a to q
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 from the Society;	The subject property is mortgaged with State Bank of India, Overseas Branch, Tolstoy Marg, New Delhi.
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.	1997-2020
32.	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	Latest receipt of Lease Rent
33.	(a) Urban land ceiling clearance, whether required and if so, details thereon. (b) Whether No Objection Certificate under section 281 of the Income Tax Act is required/ obtained.	N.A. The Act provide that NOC of IT Department is to be obtained before creating charge on the immovable property, therefore it is advised that

Approved by the

 Date: 10/01/2020

		either NOC of Income Tax Department be taken or the affidavit/undertaking of the borrower be taken to the effect that neither any attachment notice was issued by the IT Department to the borrower (individual/ company/ firm) before creating charge qua the property referred above, nor any attachment proceeding of IT Department are pending at present with respect to the property mortgaged with the bank.
34.	Details of RTC extracts/mutation extracts/ Katha extracts pertaining to the property in question.	N.A.
35.	Whether the name of mortgagor is reflected as owner in the revenue/ Municipal/Village records?	Yes
36.	(a) Whether the property offered as security is clearly demarcated?	Yes
	(b) Whether the demarcation/ partition of the property is legally valid?	Yes
	(c) Whether the property has clear access as per documents?	Yes
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 Yes N.A.
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.	Please compare all boundaries measurement of all patches as specified in the valuation report.
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.)	As per valuation report.
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 SARTESI Act, if required against the property offered as security?	Yes. <u>The Securitization and Reconstruction of Financial Assets And Enforcement of security Interest Act 2002 is applicable on</u>

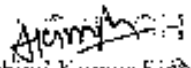
APPROVED BY THE ADVOCATE

Signature

		<u>the property in question.</u>
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.	N.A.
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.	No
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.	N.A.
46.	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	M/s. Micromax Informatics Ltd
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, Whether the registered agreement for sale as prescribed in the above Act/Rules there under is executed? 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?	No N.A. N.A.

Place : New Delhi,
Date: 30.07.2020

ARBITRATOR
E


Arvind Kumar Singh
Advocate

Annexure 'B' Column No. 8

Flow of Titles: -

Haryana State Industrial Development Corporation Limited (HSIDC) issued Regular Letter of Allotment dated 17.08.2001 in favour of M/s. Super Stick India Pvt. Ltd., with respect to Industrial plot bearing No.697, area measuring 420 sq. mtrs., situated at Udyog Vihar, Phase-V, Tehsil & Distt. Gurugram, Haryana.

Thereafter Letter dated 08.08.2002 issued by HSIDC thereby changing the name of the company from M/s. Super Stick India Pvt. Ltd., to M/s. Super Craft Creation India Pvt. Ltd. in their records.

Thereafter HSIDC issued Possession Letter dated 09.08.2002 in favour of M/s. Super Craft Creation India Pvt. Ltd., with respect to plot referred above.

Thereafter HSIDC executed Conveyance Deed dated in favour of M/s. Super Craft Creation India Pvt. Ltd., with respect to plot referred above. Conveyance Deed registered as Document No.5045, on dated 04.06.2004.

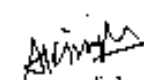
Thereafter Re-allotment Letter dt.20.01.2007, issued by HSIDC in favour of M/s. Super Craft Creation India Pvt. Ltd. with respect to plot referred above.

Thereafter M/s Super Craft Creation India Pvt. Ltd. executed sale deed in favour of M/s. Micromax Informatics Ltd. with respect to plot referred above. Vide Sale Deed regd as document No.1494, Book No.1, Volume No.9753-832, Pages 140/52-53, on Dated 17.04.2008.

Thereafter Re-allotment Letter dt.20.01.2007, issued by HSIDC in favour of M/s. Micromax Informatics Ltd with respect to plot referred above.

Hence the Title Chain is complete and title is clear, absolute & marketable.

Date: 30.07.2020


Signature of the Advocate
Arbind Kumar Singh

ARBIND KUMAR SINGH

Advocate

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Mobile No. 9560223089

Ref No: SBI-580/2020

Dated: 30.07.2020

ANNEXURE - C: **CERTIFICATE OF THE TITLE DEEDS**

1. I have examined the original of Title Deeds intended to be deposited relating to the schedule property/(ies) to be offered as security by way of **Equitable 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 **Equitable Mortgage** and I further certify that:

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, Ward 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. That the property in question is Mortgaged with State Bank of India, Overseas Branch, Delhi and no adverse record could be seen from the office of the sub registrar for the period from 1997 to 2020 pertaining to the immovable property(ies) covered by above said title Deeds. The property is free from all Encumbrances.

6. In case of second/subsequent charge in favour of the Bank, there are no other mortgages/charges other than already stated in the Loan documents and agreed to by the Mortgagor and the Bank, N.A.

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

The Mortgage if created, will be available to the Bank for the Liability of the Borrower M/s. Micromax Informatics Ltd.

I certify that the M/s. Micromax Informatics Ltd. shall 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.

8. If Bank created Mortgage on said property by Deposit of title deeds, we certify that the deposit of following title deeds/ documents would create a valid and enforceable mortgage.

ARBIND KUMAR SINGH
Advocate

1. Original Conveyance Deed dated 04.06.04 executed by HSIDC in favour of M/s. Super Craft Creation India Pvt. Ltd., with respect to plot referred above. Conveyance Deed registered as Document No.5045, on dt.04.06.04.

2. Original Sale Deed dt.17.04.08, executed by M/s. Super Craft Creation India Pvt. Ltd. in favour of M/s. Micromax Informatics Ltd, with respect to plot referred above. Sale Deed regd.as document No.7494, Book No.1, Volume No.9753/832, Pages 140/52-53, on Dt.17.04.08

3. Original Re-allotment Letter dt.20.01.07, issued by HSIDC in favour of M/s. Micromax Informatics Ltd with respect to plot referred above.

4. Permission to mortgage granted by HSIDC to M/s. Micromax Informatics Ltd. for Mortgaging the Property with SBI, Overseas Branch, Janpath, Delhi be taken on records.

5. Photocopy of Latest property tax receipt.

6. Photocopy of the Latest Electricity / Water Bill

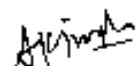
7. Affidavit from the mortgagors that the above property is free from all encumbrances and defects of the title and that they has not created any other charge or lien on the said Property in favour of any other person or persons in any manner whatsoever .

There are no legal impediments for creation of the Mortgage under any applicable Law/ Rules in force

SCHEDULE OF THE PROPERTY (IES):

Industrial property bearing No.697, area admeasuring 420 sq. mtrs., situated at Udyog Vihar, Phase V, Tehsil & Distr. Gurugram, Haryana.

Date: 30.07.2020


Signature of the Advocate
Arvind Kumar Singh

ARBIND KUMAR SINGH

Advocate

Chamber No. 661 , Dwarka Courts, New Delhi.
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Mobile No. 9560223089

Ref No SBI- 580/2020

Dated: 30.07.2020

The Manager
State Bank of India
Overseas Branch Tolstoy Marg,
New Delhi.

RE : CERTIFICATE FOR GENUINNESS OF TITLE DOCUMENTS IN THE NAME OF
M/s. Micromax Informatics Ltd.

Dear Sir

This is in reference to verifying the original title documents submitted for M/s. Micromax Informatics Ltd.

Industrial property bearing No.697, area measuring 420 sq. mtrs., situated at Udyog Vihar, Phase-V, Tehsil & Distt. Gurugram, Haryana.

The following Document are scrutinized.

1. Original Conveyance Deed dated 04.06.04 executed by HSIDC in favour of M/s. Super Craft Creation India Pvt. Ltd., with respect to plot referred above. Conveyance Deed registered as Document No.5045, on dt.04.06.04.
2. Original Sale Deed dt.17.04.08, executed by M/s. Super Craft Creation India Pvt. Ltd, in favour of M/s Micromax Informatics Ltd, with respect to plot referred above. Sale Deed regd.as document No.1494, Book No.1, Volume No.9753/832, Pages 140/52-53, on Dt.17.04.08.
3. Original Re-allotment Letter dt.20.01.07, issued by HSIDC in favour of M/s Micromax Informatics Ltd with respect to plot referred above.

It is opined that the title documents submitted are genuine and the bank can take the original title documents for creating equitable mortgage.

Arbind Kumar Singh
Advocate