

ARBIND KUMAR SINGH

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Ref No SBI- 582/2020

Dated: 18.12.2020

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. Micromax Informatics Ltd.			
2.	A) Name of the unit/concern/ company/person offering the property/ (ies) as security	M/s. Micromax 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 Borrower (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.2/4, area admeasuring 1996 sq. mtrs., situated in Industrial Area Badli, Tehsil Najafgarh, Distt. Solan, Himachal Pradesh.			
	(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	1996 Sq. Mtrs			
	(d) Locations like name of the place, village, city, registration, sub-district etc. Boundaries.	Solan, Himachal Pradesh.			
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

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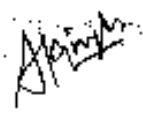
	1	01.01.08	Allotment Letter	Original	
	2	09.01.08	Agreement	Original	
	3	26.08.09	Conveyance Deed	Original	
5.	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts)				Yes, certified copy of Conveyance Deed dated 26.08.09 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-Baddi, Himachal Pradesh.
	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, Leaschold Rights, Occupancy/ Possessory Rights or Inam Holder or Govt. Grantee/Allottee etc.)				Freehold rights
10.	If leaschold, whether;				No
	a) lease Deed is duly stamped and registered				N.A
	b) lessee is permitted to mortgage the Leaschold 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 leaschold rights permits for the creation of any superstructure (if applicable)?				N.A

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	5) Right to get renewal of the leasehold rights and nature thereof.	N.A.
11.	If Govt. grant/ allotment/ lease-cum/ Sale Agreement, grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions, the mortgagor is competent to create charge on such property, whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	No N.A. N.A.
12.	If occupancy right, whether: a) Such right is heritable and transferable, b) Mortgage can be created.	No N.A. N.A.
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.	None
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 Donee; 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; e) Whether there is any restriction on the Donor in executing the gift/settlement deed in question; f) Whether the Donee 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 N.A. N.A. N.A. N.A. N.A. N.A. N.A. N.A.
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. (b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share. (c) Whether the partition made is valid in law and the mortgagor has acquired a mortgage-able title there on. (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. (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?	N.A. N.A. N.A. N.A. N.A. N.A. N.A. N.A.
16.	Whether the title documents include any testamentary documents/wills?	No

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	(a) In case of wills, whether the will is registered will or unregistered will?	
	(b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	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?	No
	(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.	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, SBZ regulations, Coastal Zone Regulations, Environmental	No

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	Clearance, etc.).	
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.	N.A.
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?	N.A.
	(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.	No
	(b) Property belonging to partners, whether thrown on hatchpot? Whether formalities for the same have been completed as per applicable laws?	N.A.
	(c) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	N.A.
25.	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.	Yes
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.	N.A.
27.	(a) Whether any POA is involved in the chain of title?	No
	(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.	N.A.
	(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).	N.A.
	(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.	N.A.
	(e) In case of Common POA (i.e. POA other than Builder's POA), please clarify the following clauses in respect of POA.	N.A.
	i. Whether the original POA is verified and the title investigation is done on the basis of original POA?	N.A.
	ii. Whether the POA is a registered one?	N.A.
	iii. Whether the POA is a special or general one?	N.A.
	iv. Whether the POA contains a specific authority for execution of title document in question?	N.A.

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	(ff) 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?)	N.A.
	(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	2011-2020
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

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		creating charge on the immovable property, therefore it is advised that 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?	
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;	N.A.
	(c) Document in relation to Sales Tax Registration, if any applicable;	
	(d) Other utility bills, if any	
38.	In respect of the boundaries of the property, whether there is a difference/discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/ comment on the same.	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 SARFESI Act, if required against the property offered as security?	Yes, <u>The Securitization and Reconstruction of Financial</u>

APPROVED FOR SIGNATURE

[Signature]

Stamp of the Bank

		<u>Assets And Enforcement of security Interest Act 2002 is applicable on 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 ?	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?	N.A.

Place :- New Delhi.
Date:- 18.12.2020

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Advocate

Annexure 'B' Column No. 8

Flow of Titles: -

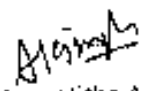
Himachal Pradesh State Industrial Development Corporation Limited (HPSIDCO) issued Agreement Letter dated 01.01.08 in favour of M/s. Micromax Informatics Ltd., with respect to Industrial property bearing No.234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Baddi, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh.

Thereafter Himachal Pradesh State Industrial Development Corporation Limited (HPSIDCO) issued Agreement dated 09.01.2008 in favour of M/s. Micromax Informatics Ltd., with respect to plot referred above.

Thereafter Himachal Pradesh State Industrial Development Corporation Limited (HPSIDCO) executed Conveyance Deed Industrial property bearing No 234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Baddi, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh, in favour of M/s. Micromax Informatics Ltd., via Conveyance Deed registered as Document No.633, Book No.1, Volume No.2336, Pages 221-11, on dated.26.08.09.

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

Date: 18.12.2020


Signature of the Advocate
Arbind Kumar Singh

ARBIND KUMAR SINGH

Advocate

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Ref No SBI-582/2020

Dated: 18.12.2020

ANNEXURE - C: CERTIFICATE OF 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, 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. 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 2011 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.

1. Original Allotment Letter dated 01.01.2008 issued by Himachal Pradesh State Industrial Development Corporation Limited (HPSIDC) in favour of M/s. Micromax Informatics Ltd, with respect to Industrial property

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Advocate

bearing No.234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Badli, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh.

2. Original Agreement Dated 09.01.2008, issued by HPSIDC in favour of M/s. Micromax Informatics Ltd., with respect to plot referred above.

3. Original Conveyance Deed dated 26.08.09 executed by HPSIDC in favour of M/s. Micromax Informatics Ltd., with respect to plot referred above. Conveyance Deed registered as Document No.623, Book No 1, Volume No 2/36, Pages 22/1-13, on dated 26.08.2009

4. Permission to mortgage granted by HPSIDC to M/s. Micromax Informatics Ltd. for Mortgaging the Property with SBL 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.234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Badli, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh.

Date: 18.12.2020


Signature of the Advocate
Arvind Kumar Singh

ARBIND KUMAR SINGH

Advocate

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E-Mail: advocatearbind@gmail.com

Mobile No. 9560223089

Ref No SBI- 582/2020

Dated: 18.12.2020

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.234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Baddi, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh.

The following Document are scrutinized.

1. Original Allotment Letter dated 01.01.08 issued by Himachal Pradesh State Industrial Development Corporation Limited (HPSIDC) in favour of M/s. Micromax Informatics Ltd. with respect to Industrial property bearing No.234, area admeasuring 1996 sq. mtrs., situated in Industrial Area Baddi, Tehsil Nalagarh, Distt. Solan, Himachal Pradesh.
2. Original Agreement DL09.01.08. issued by HPSIDC in favour of M/s. Micromax Informatics Ltd., with respect to plot referred above.
3. Original Conveyance Deed dated 26.08.09 executed by HPSIDC in favour of M/s. Micromax Informatics Ltd. with respect to plot referred above. Conveyance Deed registered as Document No 623, Book No.1, Volume No.2/36, Pages 22/1-13, on dt.26.08.09.

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