

230

AMARJEET SINGH

ADVOCATE

Office:-Ch.No.-13 New Building
Civil Court Ghaziabad



> Bank's Panel Advocate

Mobile No: 9015030540

To,
The Branch Manager,
Punjab National Bank
Branch- Chandra Nagar,
Ghaziabad.

Date-10.03.2016

SPECIAL REPORT ON TITLE

REG:- SEARCH REPORT /NON-ENCUMBERANCE CERTIFICATE IN RESPECT
OF: Non Agricultural Land measuring area 0.0345 + 0.7155 = 0.7500 Hectare
pertaining to Khasra No. 176 situated at Village Kakra, Pergana Jalalabad, Tehsil
Modinagar, District Ghaziabad belonging to Krishna Devi Charitable Trust having it's
Registered office at F-8/1, Krishna Nagar, Delhi.

	ASPECTS TO BE CONSIDERED	COUNSEL'S STATEMENT
	A. <u>PARTICULARS</u>	
	1. Name of the Borrower with address :	Krishna Devi Charitable Trust having it's Registered office at F-8/1, Krishna Nagar, Delhi. (Borrower/Purchaser).
	2. Name of the person offering Mortgage with parentage/constitution and address :	-----above-----
	3. Details of the property to be mortgaged As per title deed. As per present Position	Non Agricultural Land measuring area 0.0345 + 0.7155 = 0.7500 Hectare pertaining to Khasra No. 176 situated at Village Kakra, Pergana Jalalabad, Tehsil Modinagar, District Ghaziabad belonging to Krishna Devi Charitable Trust having it's Registered office at F-8/1, Krishna Nagar, Delhi which is bounded as:- East: As per site, West: As per site North: As per site, South: As per site.
	B. <u>INVESTIGATIONS</u>	1. Attested copy of Turst Deed dated 29.11.2007 that was duly indexed in Book No. IV Volume No. 2574 on at serial No. 7530 in the office of



<p>1. Details of the title deeds/documents (including Link Deeds/Parent deeds) to be deposited for creation of the mortgage (with full particulars regarding nature of document, date of execution and details of registration)</p>	<p>Sub Registrar-VIII, New Delhi/Delhi.</p> <ol style="list-style-type: none"> Original Agreement to Sell executed by Sh. Omdev s/o Late Sh. Dharmveer in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 5726 on pages 249 to 272 at serial No. 16481 on dated 21.11.2012 in the office of Sub Registrar-Modinagar, District Ghaziabad. Original Sale Deed executed by Sh. Omdev s/o Late Sh. Dharmveer in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 6429 on pages 239 to 296 at serial No. 13377 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad. Original Sale Deed executed by Sh. Adesh s/o Late Sh. Dharmveer in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 6428 on pages 273 to 290 at serial No. 13362 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad Certified copy of Order dated 17.12.2014 for land use change from SDM Court vides Suit No. T20141128022785/2014 U/s 143 of U.P.Z.A. & L.R. Act. Latest Khatauni & Khasra of Khasra No. 176 of village Kakra, Pergana Jalalabad, Tehsil Modinagar, District Ghaziabad. Authorization Letter from the Trust regarding to executed and signed of the loan documents. Affidavit of the Borrower. Valuation report from the approved valuer that the construction over the land is as per norms (If any construction).
<p>History of the Title based on Documents mentioned in clause No. 1</p>	<p>The property in question i.e. Non Agricultural Land measuring area $0.0345 + 0.7155 = 0.7500$ Hectare pertaining to Khasra No. 176 situated at Village Kakra, Pergana Jalalabad, Tehsil Modinagar, District Ghaziabad belonging to Krishna Devi Charitable Trust having it's</p>



2.	Whether documents given to the counsel	<p>Registered office at F-8/1, Krishna Nagar, Delhi.</p> <p>Further on Sh. Omdev s/o Late Sh. Dharmveer executed an agreement to sell of the land in question measuring area 0.7155 hectare in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 5726 on pages 249 to 272 at serial No. 16481 on dated 21.11.2012 in the office of Sub Registrar-Modinagar, District Ghaziabad.</p> <p>Further on Sh. Omdev s/o Late Sh. Dharmveer sold the land in question measuring area 0.7155 hectare in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi and executed a Sale Deed that was duly indexed in Book No. Volume No. 6429 on pages 239 to 296 at serial No. 13377 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad.</p> <p>Further on Sh. Adesh s/o Late Sh. Dharmveer sold the land in question measuring area 0.0345 hectare in favour of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh. Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi and executed a Sale Deed that was duly indexed in Book No. Volume No. 6428 on pages 273 to 290 at serial No. 13362 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad.</p> <p>Further on Krishna Devi Charitable Trust mutated their name in the revenue record.</p> <p>Further on Krishna Devi Charitable Trust got land use change from SDM Court vide order dated 17.12.2014 in Suit No. T20141128022785/2014 U/s 143 of U.P.Z.A. & L.R. Act.</p> <p>In this way Krishna Devi Charitable Trust became and sole and absolute owner of the land in question and it got a valid and clear marketable rights over the land in question.</p> <p>Now Krishna Devi Charitable Trust want a financial assistance from the bank and intends to mortgage for the same</p> <p>Yes</p>
----	--	---



<p>are original* one or more copies of documents?(*Counsel should examine original documents only and if any of the documents in original is not shown, the details of the document be given with reasons thereof)</p>	
<p>3. Whether documents given as original title deeds raise any doubt or suspicion?</p>	<p>Originals are verified from vender herein and search has been conducted in the concerned Sub-Registrar office and after obtaining the certified copy of the latest sale deed ,undersigned came to the conclusion that the original of Title deeds raise no doubt or Suspicion.</p>
<p>4. Whether the registration particulars number & date and page particulars as given in the title deed shown to the counsel tally with the particulars as stated in the records of the registrar's office?</p>	<p>Yes, the registration particulars number & date and page particulars as given in the title deed shown to undersigned with the particulars as stated in the records of the registrar's office.</p>
<p>5. Whether the registration particulars number & date and page particulars as given in the title deed tally with the particulars as stated in the certified copy as obtained from the registrar's office?</p>	<p>Yes, the registration particulars number & date and page particulars as given in the title deed shown to undersigned with the particulars as stated in the Second Copy kept in registrar's office.</p>
<p>6. Whether the photographs of parties as affixed in conveyance deed/ title deed tally with the photograph seen in the certified copy as obtained from the registrar's office?</p>	<p>Yes, the photographs of parties as affixed in title deed tally with the photograph seen in the second copy kept in registrar's office.</p>
<p>7. Whether contents of the as given in the title deed tally verbatim with the contents as stated in the certified copy obtained from</p>	<p>Yes, contents as given in the title deed Tally verbatim with the as stated in the Second Copy kept in registrar's office.</p>



	<p>the registrar's office? If not, variations be specified. What is its effect?</p> <p>8. Whether the property has been mutated in the name of the person offering the mortgage?</p> <p>9. Whether equitable mortgage can be created at the place where the branch disbursing the loan is situated?</p> <p>10. Whether there is any bar under any local law for creation of the mortgage of the property to be mortgaged? (In some States, there are legal restrictions on creation of the mortgage of agricultural property for non-agricultural purposes).</p> <p>11. Whether there are any restrictions regarding sale of the property to be mortgaged? (In some States, there are restrictions for sale of property to residents outside the State).</p> <p>12. Whether all the approvals, clearance/sanctions required for creation of the mortgage have been obtained? If not obtained, what are such sanctions, approvals and clearances yet to be obtained?</p> <p>13. Whether the property is ancestral/ or under joint ownership or the</p>	<p>Yes.</p> <p><i>In view of the above undersigned is of the view that since the house is Residential therefore the Securitization Act is applicable and Equitable Mortgage can be done.</i></p> <p>No. there is no bar under any local law for creation of the mortgage of the property to be mortgaged.</p> <p><i>No. there is no restrictions regarding sale of the property to mortgaged.</i></p> <p>Not Applicable.</p> <p>Not Applicable</p>
--	---	--



minor is having interest in the property ? If so, its effect thereof.	
14. Whether the property to be mortgaged has been acquired under Land Acquisition Act, 1894?	Not Applicable
15. Whether Urban Land Ceiling Act is applicable in the State where the property is located?	Not Applicable
16. In case of leasehold property, whether permission/ NOC from the lessor is required for creation of mortgage? whether permission of the lessor/NOC is obtained?	No, Freehold Rights property, Mortgagor is not required Mortgage permission from Ghaziabad Development Authority Ghaziabad in favour of Bank.
What is the rate of sharing of unearned income with lessor, in the event of sale of the property?	Yes.
Whether copy of title deed favouring lessor (other than Govt.) is made available to examine the validity of the lease?	Yes.
Whether terms & conditions given in the lease deed have been complied with? If any condition is violated, effect thereof.	Yes.
17. Whether any permission of Income Tax Authorities/Assessing Officer is required under the provisions of Income Tax Act for creation of mortgage or any certificate is to be submitted to the Bank to	N/A.



show that no dues are outstanding to the Income Tax Department?	
18. In respect of agriculture land, whether land is declared surplus or under consolidation of holdings?	N/A
19. Whether certified copies of Revenue Records has been obtained and examined to confirm that no dues are outstanding toward the mortgagor? (Copies of revenue record be submitted to the Bank while submitting the Certificate of Title Investigation.)	No

DATE : 10-03-2016

PLACE : Ghaziabad

Yours sincerely

AMARJEET SINGH
Advocate



223

AMARJEET SINGH

ADVOCATE

Office:-Ch.No.-13 New Building
Civil Court Ghaziabad



Bank's Panel Advocate

Mobile No: 9015030540

Date-10.03.2016

To,
The Branch Manager,
Punjab National Bank
Branch-Chandra Nagar
Ghaziabad.

CERTIFICATE

REG:-SEARCH REPORT /NON-ENCUMBERANCE CERTIFICATE IN RESPECT
OF: Non Agricultural Land measuring area $0.0345 + 0.7155 = 0.7500$ Hectare
pertaining to Khasra No. 176 situated at Village Kakra, Pergana Jalalabad, Tehsil
Modinagar, District Ghaziabad belonging to Krishna Devi Charitable Trust having it's
Registered office at F-8/1, Krishna Nagar, Delhi.

As requested, I have conducted the legal investigation of the title and made a search
of records in the registration office and other offices as required in the matter.

I have answered all the queries in the Special Report which is enclosed.

I hereby certify that the registration particulars- number, date and page particulars
etc., as shown in the original title deed and contents thereof tally with the information
as stated in the records of office of Sub-Registrar-Modinagar, District Ghaziabad of
assurances as well as with certified copy of the title deed, which was obtained by
me is enclosed with this certificate.

I further certify that the photograph of previous owner /seen in the title deed tally with
records of office of Sub-Registrar-Modinagar, District Ghaziabad.

Chain of title relating to the property is complete as given in the Annexure hereto.

I have verified, tallied and compared these documents from the record of the office of
Sub-Registrar-Modinagar, District Ghaziabad.

1. Attested copy of Turst Deed dated 29.11.2007 that was duly indexed in Book No. IV
Volume No. 2574 on at serial No. 7530 in the office of Sub Registrar-VIII, New
Delhi/Delhi.
2. Original Agreement to Sell executed by Sh. Omdev s/o Late Sh. Dharmveer in favour
of Krishna Devi Charitable Trust through it's Trustee Chairman Sh. Baleshwar
Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gautam Sharma s/o Sh.
Baleshwar Sharma having it's Registered office at F-8/1, Krishna Nagar, Delhi that
was duly indexed in Book No. Volume No. 5726 on pages 249 to 272 at serial No.
16481 on dated 21.11.2012 in the office of Sub Registrar-Modinagar, District
Ghaziabad.



3. Original Sale Deed executed by Sh. Omdev s/o Late Sh. Dharmveer in favour of Krishna Devi Charitable Trust through its Trustee Chairman Sh. Balestwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gauram Sharma s/o Sh. Balestwar Sharma having its Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 6428 on pages 239 to 286 at serial No. 13377 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad.
4. Original Sale Deed executed by Sh. Adesh s/o Late Sh. Dharmveer in favour of Krishna Devi Charitable Trust through its Trustee Chairman Sh. Balestwar Sharma s/o Late Sh. Tejram Sharma and Members Sh. Gauram Sharma s/o Sh. Balestwar Sharma having its Registered office at F-8/1, Krishna Nagar, Delhi that was duly indexed in Book No. Volume No. 6428 on pages 273 to 290 at serial No. 13382 on dated 19.08.2013 in the office of Sub Registrar-Modinagar, District Ghaziabad.
5. Certified copy of Order dated 17.12.2014 for land use change from SDM Court vide Sult No. T20141128022785/2014 U/s 143 of U.P.Z.A. & L.R. Act.
6. Latest Khatauni & Kharsa of Kharsa No. 176 of village Kakra, Pergana Jalalabad, Tehsil Modinagar, District Ghaziabad.
7. Authorization Letter from the Trust regarding to executed and signed of the loan documents.
8. Affidavit of the Borrower.
9. Valuation report from the approved valuer that the construction over the land is as per norms (if any construction).

The search report of which is annexed hereto, conducted by me, in the Sub-Registrar-Modinagar, District Ghaziabad Vide Receipt No 14 Dated 10.03.2016 from 2003 to 2016 as well as the certified Copy of the Latest Sale Deed has also been obtained by me (enclosed herewith).

I have not given /have given opinion earlier on investigation of title relating to the same property.

I hereby certify that Krishna Devi Charitable Trust having its Registered office at F-8/1, Krishna Nagar, Delhi has a clear, valid and marketable title over the above said Non Agricultural Land measuring area 0.0345 + 0.7155 = 0.7500 Hectare pertaining to Kharsa No. 176 situated at Village Kakra, Pergana Jalalabad, Tehsil Modinagar, District Ghaziabad belonging to Krishna Devi Charitable Trust having its Registered office at F-8/1, Krishna Nagar, Delhi. If Krishna Devi Charitable Trust (Intended Borrowers / Mortgager) personally present through its authorized signatory (along with identity proof) and deposits the title deeds in original, with intention to create equitable mortgage, it will satisfy the requirements of creation of equitable mortgage. The following person/s should be present personally (along with identity proof) to deposit the original title deeds with your Bank / Branch for creation of equitable mortgage. From the said mortgage, the interest of the Bank is secured and safeguarded.

Yours Sincerely
AMARJEET SINGH
Advocate



- Encl : 1. Special Report
2. Chain of Title
3. Certified Copy of Sale Deed Dated-19.08.2013(846/2016)
4. Certified Copy of Sale Deed Dated-18.08.2013(847/2016)
5. Search Report
14 Dated-10.03.2016.

पंजाब नैशनल बैंक
punjab national bank

9c

172

93-469698

9

FM-1

PART A: FRAUD REPORT

1	NAME OF THE BANK	PUNJAB NATIONAL BANK
2	FRMIS REF. NO.	
3.	DETAILS OF THE BRANCH	
3.A	BRANCH CODE **(BSR NO. ALLOTTED BY RBI)	0301662
3.B	NAME OF THE BRANCH **	CHANDER NAGAR
4.A (I)	NAME OF PERPETRATOR (SUSPECTED/ACTUAL) **	M/S SHREE RAM ENTERPRISE PROPRIETOR- SH. BALESHWAR SHARMA
4.A (II)	NAME OF ACCOUNT **	M/S SHREE RAM ENTERPRISE (PROPRIETOR- SH. BALESHWAR SHARMA)
4.B	NAME OF ACTIVITY OF THE PERPETRATOR **	MANUFACTURING AND TRADING
4.C	PAN OF PERPETRATOR **	BAPPS0274N
5.A	AREA OF OPERATION WHERE THE FRAUD HAS OCCURRED **	(1) NON AGRICULTURAL LAND .7500 HECTARE KHASRA NO 176 VILLAGE KAKRA PARGANA JALALABAD MODI NAGAR GHAZIABAD U.P. IN THE NAME OF KRISHNA DEVI CHARITABLE TRUST . AS PER NEC REPORT DATED 22.06.2020 OF APPROVED PANEL, THE BORROWER M/S KRISHNA DEVI CHARTABLE TRUST SOLD SAID PROPERTY TO SHRI ASHOK TYAGI ON DATED 29/11/2019 VIDE BOOK NO 1 VOLUME NO 11606 ON PAGE NO 229 TO 258 DOCUMENT NO 13830 IN THE OFFICE OF SUB REGISTRAR MODI NAGAR GHAZIABAD U.P. WHICH IS CLEAR FRAUD WITH BANK BY THE PARTY. (2) SARFAESI IS NOT APPLICABLE , BECAUSE SAID PROPERTY NOT PROPERLY DEMARCATED AND THE MORTGAGE OF THE SAID PROPERTY CAN NOT ENFORCED (IF REQUIRED) UNDER THE PROVISIONS OF THE SECURITIZATION



RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITIES ACT, 2002 AND AMENDMENTS THERETO ("SARFAESI").

(3) ANY APPROVAL / SANCTION MAP OF SAID PROPERTY NOT HELD IN RECORD, HOWEVER SANCTION MAP REQUIRED FOR EQUITABLE MORTGAGE.

(4) BM IS NOT EMPOWERED TO SANCTION ODIP OF RS.200 LAKH AS THE IP AGAINST WHICH THE LIMIT HAS BEEN SANCTIONED PERTAINS TO KRISHNA DEVI CHARITABLE TRUST. HENCE, IT IS A CASE OF ADVANCE AGAINST THE SECURITY OF THIRD PARTY.

(5) AS PER PORTFOLIO AUDIT REPORT DTD. 30.04.2019, THE BALANCE SHEET IS FAKE AND FABRICATED AS THE MODUS OPERANDI OF RAISING INCOME IS INCREASE IN DEPR. DURING THE YEAR BY SHOWING FAKE INCREASE IN FIXED ASSETS. AUTHENTICITY OF BALANCE SHEET AND THE SIGNATURES OF CA ON THE BALANCE SHEET HAVE NOT BEEN VERIFIED BY THE BRANCH OFFICIALS WHILE SANCTIONING ODIP.

(6) VALID EM HAS NOT BEEN CREATED. IN THE EM REGISTER, IT HAS BEEN STATED THAT IP HAS BEEN DEPOSITED TO SECURE THE ADVANCE MADE TO BALESHWAR SHARMA WHEREAS THE ADVANCE HAS BEEN MADE TO M/S. SHRI RAM ENTERPRISES.

(7) ON THE SCRUTINY OF STATEMENT OF ACCOUNT, IT HAS BEEN OBSERVED THAT THE PARTY HAS DIVERTED THE FUNDS AS THE FOLLOWING TRANSACTIONS HAVE BEEN MADE WHICH DO NOT JUSTIFY THE GENUINE TRADE TRANSACTIONS:-



176

A NO. OF CASH PAYMENTS HAVE BEEN MADE IN THE A/C I.E RS.25 LAKH ON 16.03.2016, RS.25 LAKH ON 16.03.2016, RS.25 LAKH ON 17.03.2016, RS.15 LAKH ON 17.03.2016, RS.15 LAKH TO ASHOK ON 19.03.2016, RS.20 LAKH ON 21.03.2016;
ON 30.03.2016 A SUM OF RS.4.55 LAKH, ON 30.03.2016 A SUM OF RS.20.54 LAKH, ON 31.03.2016 A SUM OF RS.19.51 LAKH, HAVE BEEN TRANSFERRED TO SB A/C NO. 3947000100075574 OF ARCHANA SHARMA.

- FURTHER, A SUM OF RS.24 LAKH WAS TRANSFERRED TO A/C NO. 1443000110956860 OF SUNIL KUMAR ON 31.03.2016

(8) IT IS TO ADD HERE THAT A/C NO. 1443000110956860 IN THE NAME OF SUNIL KUMAR DEPICTS THE FOLLOWING TRANSACTIONS ON 31.03.2016 FROM THE ODIP/CC A/CS OF THE MENTIONED PARTIES:-

- RS. 8.50 LAKH FROM ASHOKA;
- RS. 4.00 LAKH FROM CHITRANSH;
- RS.24.00 LAKH FROM SHREE RAM ENTERPRISES;
- RS. 7.50 LAKH FROM DAV INFRA TECH;
- RS. 4.90 LAKH FROM SACHIN;
- RS. 6.00 LAKH FROM A C ENGG.;
- RS. 5.00 LAKH FROM A C ENGG.;
- RS. 9.00 LAKH FROM A C ENGG.



ਪੰਜਾਬ ਨੈਸ਼ਨਲ ਬੈਂਕ
punjab national bank

165

12

		ENTIRE AMOUNT OF THE WITHDRAWN BY THE PARTY THROUGH SELF PAYMENTS ON 05.04.2016 FROM THIS A/C. HENCE, FROM THIS IT IS APPARENT THAT THE INVOLVEMENT OF SUNIL KUMAR, THE A/C HOLDER, IS ALSO THERE IN THE ABOVE SAID A/Cs
5.B	WHETHER FRAUD HAS OCCURRED IN A BORROWAL ACCOUNT? **	YES
5.C	WHETHER THE ADVANCE WAS CONSORTIUM ADVANCE? **	NO
5.D	NAME OF CONSORTIUM LEAD BANK **(IF 5.C -YES)	NOT APPLICABLE
5.D (I)	CONSORTIUM LEADER AMOUNT **(IF 5.C -YES)	NA

CONSORTIUM TABLE- (IF ADVANCE IS CONSORTIUM) (IF 5.C -YES)

S. NO.	BANK NAME **	CONSORTIUM MEMBER AMOUNT **	SHARE %
1			
2	NA		
3			
4			
	CONSORTIUM ADVANCE-SUM		

6. A	NATURE OF FRAUD **	DOCUMENTARY CHEATING: PARTY HAS SOLD THE MORTGAGED PROPERTY
6. B	TYPE OF FRAUD **	SERIOUS: PARTY HAS SOLD THE MORTGAGED PROPERTY
6. C	WHETHER COMPUTER IS USED IN COMMITTING THE FRAUD? **	CANNT SAY
6. D	IF YES, DETAILS **	NA
7. A	TOTAL AMOUNT INVOLVED **	RS 201.75LAKH
7. B	AMOUNT FROZEN **	NA
8. A	DATE OF OCCURRENCE **	16.03.2016
8. B	DATE OF DETECTION **	22.06.2020

