

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

Date: 19.10.2020

Ref: BOB/2020/October/01


To

The Chief Manager,
Bank of Baroda, CFS Branch
Gurgaon

SUB: Title Opinion Report certifying non encumbrance of the Property being all that piece and parcel of the land situated at Plot No. 405-B, Sector-20, Udyog Vihar, Phase III, Gurgaon, Haryana admeasuring 12 acres together with right of way and all other easementary rights thereto together will all building and structures erected and all fixtures and fittings thereon, attached to the earth or permanently fastened to anything attached to earth.

I refer to your letter no. NIL dated NIL requesting me to furnish non encumbrances and certify and submit the Title cum Opinion Report about the clear and marketable title to the above property to be mortgaged for security the credit facility(s) granted/proposed to be granted to CFS Gurgaon(Borrower).


1.	Description and Area of the property proposed to be mortgaged. Specific number(s) and address of property along with boundaries and measurements.	Property being all that piece and parcel of the land situated at Plot No. 405-B, Sector-20, Udyog Vihar, Phase III, Gurgaon, Haryana admeasuring 12 acres together with right of way and all other easementary rights thereto together will all building and structures erected and all fixtures and fittings thereon, attached to the earth or permanently fastened to anything attached to earth
2.	Nature of property (Whether Agricultural, Non-Agricultural, Commercial, Residential or Industrial. If Non Agricultural, the reference & date of conversion order from the competent authority should also be mentioned.	Commercial (Cyber Park)
3.	Name of the Mortgagor/Owner and status in the Account i.e. borrower or guarantor and whether Individual, Sale Proprietor, Partner, Director, Karta or Trustee. In case the Mortgagor is Partner/Director/Trustee who is mortgaging the property on behalf of Partnership/ Company Trust, whether he/she has the authority. Copy of the Resolution/Memorandum & Articles of Association. Trust Deed etc whether examined and verified.	M/s DLF Cyber City Developers Limited Limited Company
4.	Whether any minor, lunatic or un-discharged insolvent is involved. Confirm that the Mortgagor has sufficient capacity to contract. Precautionary steps to be taken.	No


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

5.	Whether the property is Freehold or Leasehold if Leasehold then period of lease, and if Freehold whether Urban Land Ceiling Act applies and permission to be obtained.	Property is Freehold.
6.	Source of Property i.e. Self acquires or Ancestral then mode of succession and whether original Will/Probate is available.	Property is self-acquired by the owner.
7.	Whether the Mortgagor is Co-owner /Joint Owner and or any partition of the property is made between the members of the family through Partition deed. If yes, whether original Registered Partition Deed is available or it is only a family settlement.	Mortgagor is the absolute owner of the said property.
8.	Whether the Mortgagor is in exclusive possession of the property or it is leased/ rented out to third party.	As per information available in the title deed property is self-occupied by the mortgagor.
9.	Whether the Property is mutated in municipal/revenue records and mortgagor's name is reflecting and if not, unreason thereof.	Mutated in HUDA records vide Letter bearing Memo no. 853 on 03.08.2017.
10.	Whether any restriction for creation of Mortgage is imposed under Central/State/Local Laws. If yes, then specify whose consent or permission would be required for creation of mortgage.	No
11.	Whether all the original Title Deeds including antecedent Title Deeds and other relevant documents are available. Please give detailed list.	The Original Title Deeds are in the possession of Axis Trustee Services Limited. I have verified the photocopies of the title documents from the original of the same available in SRO records.
12.	Whether the Advocate has personally visited the sub-registrar Revenue/Municipal Office and examined the records.	Yes, I have personally visited the sub-registrar, Office and examined the records. The index search has been done for the last 30 years.
13.	Whether the Search is being made for the period of 30 years. If no, reason thereof.	Index Search has been made for a period of 30 years vide Receipt No. 4165 dated 16.10.2020 and 13868 dated 16.10.2020 (Copy enclosed)
14.	Details of documents examined/scrutinized (This should be in chronologically order with serial numbers type/nature of documents/ date of execution, parties, date of registration details including the details of revenue/society records etc).	1) Conveyance Deed which is duly stamped and registered in the office of sub-registrar, Gurgaon as Vasika No. 3834 on dated 11.03.1983 executed by HUDA in favour of M/s Hindustan Insecticides Limited- Photocopy 2) Letter bearing Memo no. 1231 dated 05.11.1992 permission obtained from HUDA in favour of M/s Hindustan Insecticides Limited- Photocopy


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


	<ol style="list-style-type: none">3) Sale Deed duly registered in the office of sub-registrar, Gurgaon as Vasika No. 8647 on dated 03.03.1993 executed by M/s Hindustan Insecticides Limited in favour of M/s GE Plastics India Limited - Photocopy compared with original from records4) Re-Allotment Letter bearing Memo No. 29/6/93 on dated 29.06.1993 issued by HUDA in favour of M/s GE Plastics India Limited- Photocopy5) Letter bearing No. 1076 on dated 29.06.1993 issued by HUDA in favour of M/s GE Plastics India Limited- Photocopy6) Order of Hon'ble High Court of Gujarat at Ahmedabad dated 09.04.2004 in the matter of Scheme of Arrangement under Section 391 to 394 of Companies Act, 1956- Photocopy7) Fresh Certificate of Incorporation issued by the Registrar of Companies, Gujarat in the name of GE India Industrial Pvt. Ltd.- Photocopy8) Letter bearing Endst. No. 15811 on dated 20.08.2004 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Photocopy9) Agreement to Sell dated 15.02.2001 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Photocopy10) Sale Deed duly registered in the office of sub-registrar, Gurgaon as Vasika No. 13573 on dated 24.09.2004 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Photocopy compared with original from records11) Letter bearing Memo No. 577 on dated 20.06.2017 issued by HUDA in favour of M/s DLF Universal Limited- Photocopy12) Memorandum of Partnership on dated 27.01.2004 between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s Jai Yatayat Limited., M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited. and M/s Pee Tee Property Management Services Private Limited.- Photocopy
--	---

BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


	<p>13) Partnership Deed dated 25.05.2004 executed between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s Jai Yatayat Limited., M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited., M/s Pee Tee Property Management Services Private Limited., M/s Comfort Buildcon Private Limited., M/s Sunlight Promoters Private Limited., M/s Prompt Real Estate Private Limited. and M/s Highvalue Builders Private Limited.- Photocopy</p> <p>14) Partnership Deed dated 01.02.2006 executed between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s DLF Retail Developers Limited (earlier known as Jai Yatayat Limited), M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited., M/s Pee Tee Property Management Services Private Limited., M/s Comfort Buildcon Private Limited., M/s Sunlight Promoters Private Limited., M/s Prompt Real Estate Private Limited. and M/s Highvalue Builders Private Limited.- Photocopy</p> <p>15) Fresh Certificate of Incorporation issued by Registrar of Companies, NCT of Delhi and Haryana in the name of M/s DLF Limited.- Photocopy</p> <p>16) License bearing no. 180 of 2007 dated 02.05.2007 issued by the DTCP, Haryana, Chandigarh- Photocopy</p> <p>17) Letter bearing Memo dated 23.06.2011 issued by the DTCP, Haryana, Chandigarh- Photocopy</p> <p>18) Letter bearing Memo No. LC-372 JE (VA) 2014/26288 dated 14.11.2014 issued by DTCP, Haryana, Chandigarh- Photocopy</p> <p>19) Letter bearing Memo No. LC-372 JE (S)-2015/6714 dated 28.04.2015 issued by DTCP, Haryana, Chandigarh - Photocopy</p> <p>20) Letter bearing Memo No. CTP/SB/HUDA-2016/120943 on dated 29.11.2016 issued by HUDA in the name of M/s DLF Limited- Photocopy</p>
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


	<p>21) Letter bearing Memo No. LC-372/2017/6414 on dated 06.04.2017 issued by Directorate of Town & Country Planning, Haryana in the name of M/s DLF Limited- Photocopy</p> <p>22) Judgment on 17.07.2017 in Civil Suit No. 164 of 04.07.2017 in the Court of Sh. Ashok Kumar-III, CJ (JD), Gurgaon titled as M/s DLF Cyber City Developers Limited vs. M/s DLF Limited- Photocopy</p> <p>23) Re-Allotment Letter bearing Memo No. 853 on dated 03.08.2017 issued by HUDA in favour of M/s DLF Cyber City Developers Limited- Photocopy</p> <p>24) Renewal License Letter bearing Memo No. LC-372-Asstt. (RK)/2019/19711 on dated 14.08.2019 in the name of M/s DLF Cyber City Developers Limited.-Photocopy</p> <p>25) Occupation Certificate Letter bearing Memo No. ZP-266-Loose/JD (AS)/2020/12930 on dated 23.07.2020 issued by Director, Town & Country Planning Department, Haryana, Chandigarh- Photocopy</p> <p>26) NOC (for Height Clearance Only) issued by Airports Authority of India to M/s DLF Limited vide Letter bearing Memo No. AAI/NOC/2012/275/2989-93 on dated 27.12.2012- Photocopy</p> <p>27) Environmental Clearance for "DLF Cyber Park" issued by State Environment Impact Assessment Authority Haryana to M/s DLF Cyber City Developers Limited vide Letter bearing Memo No. SEIAA/HR/2015/31 on dated 05.01.2015- Photocopy</p> <p>28) Letter issue of consent of establish from pollution angle issued by Haryana State Pollution Control Board to M/s DLF Cyber Park vide Letter bearing Memo No. HSPCB/Consent/:2821215GUNOCTE1696582 on dated 18.03.2015- Photocopy</p> <p>29) Extraction Approval issued by Department of Mines and Geology, Gurgaon, Mewat bearing Memo No. 2828 on dated 05.11.2015- Photocopy</p> <p>30) Fire NOC from the fire safety point of view for Group E-Business Building issued by Director General, Fire Service, Haryana, Panchkula to</p>
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


		M/s DLF Cyber City Developers Ltd. vide Letter bearing Memo No. FS/2019/147 dated 26.06.2019- Photocopy
15.	Tracing of chain of title in favour of the Mortgagor/owner starting from the earliest document available. The nature of document/ Deed conveying the title should be mentioned with description of parties along with the type of right it creates.	<p>The above noted property in question is part of Industrial Plot No. 405 situated in Sector-20, Udyog Vihar, Phase III, Gurgaon measuring 70 acres which was initially allotted by the Haryana Urban Development Authority (HUDA) to M/s Hindustan Insecticides Limited vide Letter of Allotment bearing No. 8632 on dated 13.07.1980.</p> <p>Subsequently a Conveyance Deed was executed by HUDA with respect to the said land measuring 70 acres which is duly stamped and registered in the office of sub-registrar, Gurgaon as Vasika No. 3834 on dated 11.03.1983 in favour of M/s Hindustan Insecticides Limited.</p> <p>M/s Hindustan Insecticides Limited thereafter constructed its works and facilities on a portion of the above said institutional/industrial land.</p> <p>Thereafter M/s Hindustan Insecticides Limited filed an application with HUDA, Gurgaon, under its Letter No. BS/XI/R&D/92 dated October, 16, 1992 for seeking permission to bifurcate and transfer the Plot in favour of IPCL or any company promoted by it namely GE Plastics India Limited and that such permission has been obtained by M/s Hindustan Insecticides Limited from HUDA vide Memo no. 1231 dated 05.11.1992.</p> <p>M/s GE Plastics India Limited is a joint venture company promoted by Indian Petrochemicals Corporation Limited (IPCL), a Government of India enterprise having its Registered Office at P.O. Petrochemicals, Distt. Vadodara 391346 and General Electric Plastics B.V. of the Netherlands, and required this land in order to undertake the execution of its project of setting up of an Applications Development Centre.</p> <p>M/s Hindustan Insecticides Limited thereafter executed an Agreement to Sell dated 12.10.1992 and Sale Deed with respect to the above noted property in question (Land measuring 12 Acres) in favour of M/s GE Plastics India Limited which is duly stamped and registered in the office of sub-registrar, Gurgaon as Vasika No. 8647 on dated 03.03.1993.</p>


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

	<p>The said property was re-allotted by HUDA in the name of M/s GE Plastics India Limited vide Re-Allotment Letter bearing Memo No. 29/6/93 on dated 29.06.1993 and Letter bearing No. 1076 on dated 29.06.1993.</p> <p>Vide Order of Hon'ble High Court of Gujarat at Ahmedabad dated 09.04.2004 in the matter of Scheme of Arrangement under Section 391 to 394 of Companies Act, 1956 the entire business undertaking of G.E. Plastics India Ltd has been transferred and vested on a going concern basis to GE. Lighting India Pvt. Ltd. the name of GE Lighting India Pvt. Ltd. was changed to GE India Industrial Pvt. Ltd. w.e.f. 08.06.2004 as per the Fresh Certificate of Incorporation issued by the Registrar of Companies, Gujarat.</p> <p>M/s GE India Industrial Pvt. Ltd. thereafter obtained permission from HUDA for transfer of the said property in question in favour of M/s DLF Universal Limited vide Letter bearing Endst. No. 15811 on dated 20.08.2004.</p> <p>The said property was thereafter conveyed by M/s GE India Industrial Pvt. Ltd. to M/s DLF Universal Limited vide Agreement to Sell dated 15.02.2001 and Sale Deed duly registered in the office of sub-registrar, Gurgaon as Vasika No. 13573 on dated 24.09.2004.</p> <p>The said property was re-allotted by HUDA in favour of M/s DLF Universal Limited bearing Memo No. 577 on dated 20.06.2017.</p> <p>On 27.01.2004 a Memorandum of Partnership had been executed between the following companies:-</p> <ul style="list-style-type: none">(a). M/s DLF Universal Limited.(b). M/s DLF Housing and Construction Limited.(c). M/s Jai Yatayat Limited.(d). M/s Silver Oaks Property Management Services Private Limited.(e). M/s Cee Pee Maintenance Services Private Limited.(f). M/s Pee Tee Property Management Services Private Limited.
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


By virtue of Memorandum of Partnership referred to above, it had been mutually agreed amongst the 6 companies mentioned hereinabove that business under the name and style of "DLF Cyber City" would be carried on by the parties. The above noted property (land measuring 12 acres) had been contributed by M/s DLF Universal Limited to the partnership pool and this fact was categorically recited in clause number 9 of the aforesaid Memorandum of Partnership.

Clause 9 and 15 of Memorandum of Partnership reads as under:-

"9. That the party of the first part also brought its right to purchase land admeasuring nearly 12 acres (along with the building constructed thereon and fixtures and fittings) from M/s GE Plastics India Limited and M/s Indian Petrochemicals Corporation Limited which it had not yet got conveyance to itself into the common stock of the partnership firm aforesaid and the same also become the property of the partnership firm with effect from the 7th day of January 2004 and an amount of Rs. 48,50,00,000/- was credited to the account of the party of the first part in the account books of partnership firm on account of its having done so.

...
15. That regular books of account shall be maintained in respect of the business of the partnership and on a day to be mutually agreed upon, the account books shall be closed annually and a statement of all the assets and liabilities and the profit and loss account shall be prepared and signed on behalf of each partner. The parties hereto shall be entitled to receive the net profit or bear the net loss (including profit or loss of capital nature) in the following proportion:

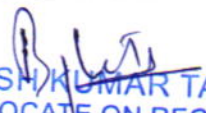
i.	M/s DLF Universal Limited	75%
ii.	M/s DLF Housing and Construction Limited	5%
iii.	M/s Jai Yatayat Limited	5%
iv.	M/s Silver Oaks Property Management Services Pvt. Ltd.	5%
v.	M/s Cee Pee Maintenance Services Private Limited.	5%
vi.	M/s Pee Tee Property Management Services Pvt. Ltd.	5%
	Total	100%


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

	<p>Thereafter, another partnership deed dated 25.05.2004 had been executed between the following companies:-</p> <ul style="list-style-type: none">(a). M/s DLF Universal Limited.(b). M/s DLF Housing and Construction Limited.(c). M/s Jai Yatayat Limited.(d). M/s Silver Oaks Property Management Services Private Limited.(e). M/s Cee Pee Maintenance Services Private Limited.(f). M/s Pee Tee Property Management Services Private Limited.(g). M/s Comfort Buildcon Private Limited.(h). M/s Sunlight Promoters Private Limited.(i). M/s Prompt Real Estate Private Limited.(j). M/s Highvalue Builders Private Limited. <p>The companies mentioned at serial numbers (g) to (j) had also become partners in the partnership firm known as "DLF Cyber City" by virtue of Partnership Deed dated 25.05.2004. However, the share of M/s DLF Universal Limited in the profits and losses of the partnership firm was reduced to 5%.</p> <p>An application for grant of license for setting up of a Cyber Park over area measuring 11.816 acres (out of the said property) had been submitted to the Director, Town & Country Planning, Haryana, Chandigarh (hereinafter referred to as the 'DTCP'). The said application was minutely scrutinized by officials of the aforesaid statutory authority. Eventually, Letter of Intent for establishment of a Cyber Park had been issued by the DTCP, Haryana, Chandigarh on 21.11.2005.</p> <p>Subsequently a Partnership Deed dated 01.02.2006 was executed amongst the following companies which were also continuing as partners in terms of Partnership Deed dated 25.05.2004.</p> <ul style="list-style-type: none">(a). M/s DLF Universal Limited.(b). M/s DLF Housing and Construction Limited.
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

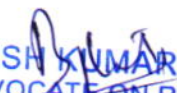
	<p>(c). M/s DLF Retail Developers Limited (earlier known as Jai Yatayat Limited)</p> <p>(d). M/s Silver Oaks Property Management Services Private Limited.</p> <p>(e). M/s Cee Pee Maintenance Services Private Limited.</p> <p>(f). M/s Pee Tee Property Management Services Private Limited.</p> <p>(g). M/s Comfort Buildcon Private Limited.</p> <p>(h). M/s Sunlight Promoters Private Limited.</p> <p>(i). M/s Prompt Real Estate Private Limited.</p> <p>(j). M/s Highvalue Builders Private Limited.</p> <p>It was specifically mentioned in the Partnership Deed dated 01.02.2006 that the partners of the partnership firm would carry on business of setting up the "Cyber City Colony" in accordance with terms and conditions of various licenses already granted and to be granted by The DTCP, Haryana, Chandigarh.</p> <p>On 02.03.2006 the partnership firm DLF Cyber City was converted as a joint stock company under the Companies Act, 1956. The said company was named M/s DLF Cyber City Developers Limited. The name of M/s DLF Universal Limited was changed to M/s DLF Limited. A Fresh Certificate of Incorporation had been issued by Registrar of Companies, NCT of Delhi and Haryana.</p> <p>Thereafter License bearing no. 180 of 2007 dated 02.05.2007 was issued by the DTCP, Haryana, Chandigarh and in terms thereof M/s DLF Limited was permitted to establish a Cyber Park over the 11.816 acres of the said property. Thereafter, an application for approval of building plans had been submitted on 19.08.2008 in the office of the DTCP Haryana, Chandigarh.</p> <p>Eventually, vide Memo dated 23.06.2011 permission for the renewal of aforesaid license had been granted by the DTCP, Haryana, Chandigarh.</p> <p>The Building Plans submitted for development of Cyber Park on the said licensed land were duly approved by DTCP, Haryana, Chandigarh vide Memo dated 23.11.2011. Once again upon the request made to DTCP, Haryana, Chandigarh permission for renewal of License bearing no. 180 of 2007 was</p>
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

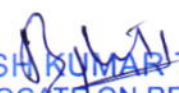
	<p>accorded by the aforesaid statutory authority vide memos dated 14.11.2014 and 28.04.2015.</p> <p>Approval was accorded to revised building plans of Block A, B, C and Meter Room and Basement of the said Project by DTCP, Haryana, Chandigarh vide Memo dated 06.10.2016.</p> <p>M/s DLF Limited got the said property mutated in its name in HUDA records vide Memo No. CTP/SB/HUDA-2016/120943 on dated 29.11.2016 and the License No. 180 of 2007 was renewed in the name of M/s DLF Limited. vide Letter bearing Memo No. LC-372/2017/6414 on dated 06.04.2017 issued by Directorate of Town & Country Planning, Haryana. The said license was renewed upto 01.05.2019.</p> <p>Subsequently a Civil Suit was filed in the Court of Sh. Ashok Kumar-III, CJ (JD), Gurgaon titled as M/s DLF Cyber City Developers Limited vs. M/s DLF Limited bearing Civil Suit No. 164 of 04.07.2017 wherein a prayer was made as under:-</p> <p><i>"43. That the suit land is situated and defendant carries on its business within the ordinary territorial jurisdiction of this Honourable Court. Hence this Honourable Court has got the jurisdiction to try and decide the present suit.</i></p> <p><i>It is, therefore, humbly prayed that in the interest of Justice your honour may very kindly be pleased to pass a decree for declaration in favour of the plaintiff and against the defendant declaring the plaintiff to be full-fledged and lawful owner in physical possession of plot bearing number 405-B situated in Sector 20, Udyog Vihar-III, Gurugram admeasuring 12 acres along with construction existing thereupon and all rights appurtenant thereto, that the defendant has got absolutely no right, title or interest of any nature in the suit property, that on account of execution of Memorandum of Partnership dated 27th of January 2004, Partnership Deed dated 25th of May 2004 and Partnership Deed dated 1st of February 2006 the suit property had vested in the said partnership firm constituted under the name and style of "DLF Cyber City" with effect from 27.01.2004; that no formal instrument is required to be executed and registered in respect of the suit property in favour of the plaintiff in furtherance of Memo bearing no. LC-372/PA(SN)/2017/11356 dated 26.5.2017 issued by DTCP, Chandigarh; that the entries in the records of HUDA/DTCP, Haryana, Chandigarh/other statutory authorities are erroneous in so far the</i></p>
--	--


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

	<p>defendant is reflected to be owner in physical possession of the suit property and the same are liable to be rectified in favour of the plaintiff so as to reflect the plaintiff alone to be owner in physical possession of the suit property; that the plaintiff being full-fledged and lawful owner in physical possession of the suit property is competent and entitled to deal with use, utilize and alienate the same and to in any manner deemed fit by it and to conceptualize, construct, promote, implement and alienate the Cyber Park project over the suit property without any hindrance or obstruction of any nature being created by the defendant with consequential relief of permanent injunction restraining the defendant from dispossessing the plaintiff from the suit property, taking forcible possession of the same, inferring in any manner in the peaceful use, enjoyment and development of the same by the plaintiff, alienating the said property/parts thereof or creating any third party rights in respect of the suit property."</p> <p>The said suit was decided on 17.07.2017 by way of settlement and decreed in favour of the plaintiff.</p> <p>The said property was accordingly re-allotted in the HUDA records in the name of M/s DLF Cyber City Developers Limited vide Letter bearing Memo No. 853 on dated 03.08.2017.</p> <p>Further License of 180 of 2007 was renewed in the name of M/s DLF Cyber City Developers Limited vide DTCP Letter bearing Memo No. LC-372-Asstt.(RK)/2019/19711 on dated 14.08.2019. In the said renewal letter it is specifically mentioned as under:-</p> <p>"2. License No. 180 of 2007 dated 02.05.2007 granted for setting up of Cyber Park on the land measuring 11.816 acres in Sector 20, Udyog Vihar, Gurugram Manesar Urban Complex is hereby renewed upto 30.05.2020 on the same terms & conditions laid down therein.</p> <p>3. This renewal will not tantamount to certification of satisfactory performance of the applicant entitling him for further renewal of license.</p> <p>4. You shall obtain occupation certificate for 60% of permissible FAR before 27.08.2022."</p> <p>Subsequently vide Letter bearing Memo No. ZP-266-Loose/JD (AS)/2020/12930 on dated 23.07.2020 issued by Director, Town & Country Planning Department, Haryana, Chandigarh</p>
--	---


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL


BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

Occupation Certificate for the said portion:-						
Tower Block	Total no. of Floor	Land Use/ Component	Sancti oned FAR (in Sqm.)	% vis-à-vis Total permis sible FAR (includ ing 12% under GRIHA & SPRP)	Achiev ed FAR (in Sqm.)	% vis-à-vis Total permis sible FAR (includ ing 12% under GRIHA & SPRP)
Block -A, B & C	Stilt/G round Floor to 12 th Floor	Comm ercial Compo nents	53953 .496	29. 756	55830 .619	30. 791
		IT Compo nent	13434 7.435 (includ ing 174.7 60 Sqm. Under Basem ent-I & 102.3 73 Sqm. Of Guard Rooms)	74. 094	13266 3.733 (includ ing 174.7 60 Sqm. Under Basem ent-I & 102.3 73 Sqm. Of Guard Rooms)	73. 165
		Total	18830 0.931	103.8 5	18849 4.352	103. 956
Non-FAR Area in Sqm						
			Sanctioned	Achieved		
		Basem ent-1	32137.239	32137.239		
		Basem ent-2	32501.742	32501.742		
		Basem ent-3	31510.823	31510.823		
		Basem ent-4	34388.626	34388.626		

The statutory permissions obtained for the said property are listed below:-


- NOC (for Height Clearance Only) issued by Airports Authority of India to M/s DLF Limited vide Letter bearing Memo No. AAI/NOC/2012/275/2989-93 on dated 27.12.2012.
- Environmental Clearance for "DLF Cyber Park" issued by State Environment Impact Assessment Authority Haryana to M/s DLF Cyber City Developers Limited vide Letter bearing Memo No. SEIAA/HR/2015/31 on dated 05.01.2015.


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


		<ul style="list-style-type: none">Letter issue of consent of establish from pollution angle issued by Haryana State Pollution Control Board to M/s DLF Cyber Park vide Letter bearing Memo No. HSPCB/Consent/:2821215GUNOCTE169658 2 on dated 18.03.2015.Extraction Approval issued by Department of Mines and Geology, Gurgaon, Mewat bearing Memo No. 2828 on dated 05.11.2015.Fire NOC from the fire safety point of view for Group E-Business Building issued by Director General, Fire Service, Haryana, Panchkula to M/s DLF Cyber City Developers Ltd. vide Letter bearing Memo No. FS/2019/147 dated 26.06.2019. <p>A perusal of the index register in the office of sub-registrar, Gurgaon has not revealed the creation of any other third party right, title or interest in the above noted property in question.</p> <p>Accordingly, it can be concluded that M/s DLF Cyber City Developers Limited is the owner of and has a legal and marketable title to Property being all that piece and parcel of the land situated at Plot No. 405-B, Sector-20, Udyog Vihar, Phase III, Gurgaon, Haryana admeasuring 12 acres together with right of way and all other easementary rights thereto together will all building and structures erected and all fixtures and fittings thereon, attached to the earth or permanently fastened to anything attached to earth and the said property may be taken in by bank as valid security.</p>
16.	Whether there is any doubt/suspicious about the genuineness of the original documents. If yes, then specify.	No
17.	The final Certificate of the Advocate confirming that title of the property(s) to be mortgaged is examined by him and the same is are clear and marketable.	M/s DLF Cyber City Developers Limited has a legal and marketable title to the above noted Property being all that piece and parcel of the land situated at Plot No. 405-B, Sector-20, Udyog Vihar, Phase III, Gurgaon, Haryana admeasuring 12 acres together with right of way and all other easementary rights thereto together will all building and structures erected and all fixtures and fittings thereon, attached to the earth or permanently fastened to anything attached to earth and the said property may be taken in by bank as valid security.


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


18.	List of documents to be deposited for creation of mortgage by the Mortgagor including any additional document required other than the documents available.	<ol style="list-style-type: none">1) Conveyance Deed which is duly stamped and registered in the office of sub-registrar, Gurgaon as Vasika No. 3834 on dated 11.03.1983 executed by HUDA in favour of M/s Hindustan Insecticides Limited- Certified True Copy2) Letter bearing Memo no. 1231 dated 05.11.1992 permission obtained from HUDA in favour of M/s Hindustan Insecticides Limited- Photocopy3) Sale Deed duly registered in the office of sub-registrar, Gurgaon as Vasika No. 8647 on dated 03.03.1993 executed by M/s Hindustan Insecticides Limited in favour of M/s GE Plastics India Limited - Original4) Re-Allotment Letter bearing Memo No. 29/6/93 on dated 29.06.1993 issued by HUDA in favour of M/s GE Plastics India Limited- Original5) Letter bearing No. 1076 on dated 29.06.1993 issued by HUDA in favour of M/s GE Plastics India Limited- Photocopy6) Occupation Certificate Letter Memo No. 854 dated 31.03.1995 issued by Haryana Urban Development Authority (HUDA) in favour of M/s GE Plastics India Limited- Photocopy7) Order of Hon'ble High Court of Gujarat at Ahmedabad dated 09.04.2004 in the matter of Scheme of Arrangement under Section 391 to 394 of Companies Act, 1956- Photocopy8) Fresh Certificate of Incorporation issued by the Registrar of Companies, Gujarat in the name of GE India Industrial Pvt. Ltd.- Photocopy9) Letter bearing Endst. No. 15811 on dated 20.08.2004 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Photocopy10) Agreement to Sell dated 15.02.2001 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Photocopy11) Sale Deed duly registered in the office of sub-registrar, Gurgaon as Vasika No. 13573 on dated 24.09.2004 executed by M/s GE India Industrial Pvt. Ltd. in favour of M/s DLF Universal Limited- Original & Certified True Copy
-----	--	---


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


	<p>12) Letter relating to the renewal of License No. 180 of 2007) dated 02.04.2013 applied to the Director General, Town and Country Planning, Haryana, Chandigarh by DLF Ltd-Photocopy</p> <p>13) Letter bearing Memo No. 577 on dated 20.06.2017 issued by HUDA in favour of M/s DLF Universal Limited- Photocopy</p> <p>14) Memorandum of Partnership on dated 27.01.2004 between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s Jai Yatayat Limited., M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited. and M/s Pee Tee Property Management Services Private Limited.- Photocopy</p> <p>15) Partnership Deed dated 25.05.2004 executed between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s Jai Yatayat Limited., M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited., M/s Pee Tee Property Management Services Private Limited., M/s Comfort Buildcon Private Limited., M/s Sunlight Promoters Private Limited., M/s Prompt Real Estate Private Limited. and M/s Highvalue Builders Private Limited.- Photocopy</p> <p>16) Partnership Deed dated 01.02.2006 executed between M/s DLF Universal Limited., M/s DLF Housing and Construction Limited., M/s DLF Retail Developers Limited (earlier known as Jai Yatayat Limited), M/s Silver Oaks Property Management Services Private Limited., M/s Cee Pee Maintenance Services Private Limited., M/s Pee Tee Property Management Services Private Limited., M/s Comfort Buildcon Private Limited., M/s Sunlight Promoters Private Limited., M/s Prompt Real Estate Private Limited. and M/s Highvalue Builders Private Limited.- Photocopy</p> <p>17) Fresh Certificate of Incorporation issued by Registrar of Companies, NCT of Delhi and Haryana in the name of M/s DLF Limited.- Photocopy</p> <p>18) License bearing no. 180 of 2007 dated 02.05.2007 issued by the DTCP, Haryana, Chandigarh- Photocopy</p>
--	---


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593


	<p>19) Letter bearing Memo dated 23.06.2011 issued by the DTCP, Haryana, Chandigarh- Photocopy</p> <p>20) Letter bearing Memo No. LC-372 JE (VA) 2014/26288 dated 14.11.2014 issued by DTCP, Haryana, Chandigarh- Photocopy</p> <p>21) Letter bearing Memo No. LC-372 JE (S)- 2015/6714 dated 28.04.2015 issued by DTCP, Haryana, Chandigarh - Photocopy</p> <p>22) Letter bearing Memo No. CTP/SB/HUDA- 2016/120943 on dated 29.11.2016 issued by HUDA in the name of M/s DLF Limited- Photocopy</p> <p>23) Letter bearing Memo No. LC-372/2017/6414 on dated 06.04.2017 issued by Directorate of Town & Country Planning, Haryana in the name of M/s DLF Limited- Photocopy</p> <p>24) Judgment on 17.07.2017 in Civil Suit No. 164 of 04.07.2017 in the Court of Sh. Ashok Kumar-III, CJ (JD), Gurgaon titled as M/s DLF Cyber City Developers Limited vs. M/s DLF Limited- Certified Copy</p> <p>25) Re-Allotment Letter bearing Memo No. 853 on dated 03.08.2017 issued by HUDA in favour of M/s DLF Cyber City Developers Limited- Original</p> <p>26) Mutation Certificate dated 03.08.2017 issued by Estate Officer, HUDA, Gurgaon for change of name in its records as M/s DLF Cyber City Developers Limited instead of M/s DLF Universal Limited-Photocopy</p> <p>27) Approval of Building Plan bearing Memo No. ZP-266-Loose/AD(RA)/2018/25642 dated 04.09.2018 issued by Chief Town Planner, Haryana-cum-Chairman, Building Plan Approval Committee in favour of DLF Cyber City Developers Limited-Photocopy</p> <p>28) Application for Permission of Occupy dated 17.05.2019 acknowledged by Director Town & Country Planning, Haryana, Chandigarh in favour of M/s DLF Cyber City Developers Limited.-Photocopy</p> <p>29) Renewal License Letter bearing Memo No. LC-372-Asstt. (RK)/2019/19711 on dated 14.08.2019 in the name of M/s DLF Cyber City Developers Limited.-Photocopy</p>
--	---


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/PA-002/IP-N00523/2017-2018/11593

		<p>30) Occupation Certificate Letter bearing Memo No. ZP-266-Loose/JD (AS)/2020/12930 on dated 23.07.2020 issued by Director, Town & Country Planning Department, Haryana, Chandigarh-Photocopy</p> <p>31) NOC (for Height Clearance Only) issued by Airports Authority of India to M/s DLF Limited vide Letter bearing Memo No. AAI/NOC/2012/275/2989-93 on dated 27.12.2012- Photocopy</p> <p>32) Environmental Clearance for "DLF Cyber Park" issued by State Environment Impact Assessment Authority Haryana to M/s DLF Cyber City Developers Limited vide Letter bearing Memo No. SEIAA/HR/2015/31 on dated 05.01.2015- Photocopy</p> <p>33) Letter issue of consent of establish from pollution angle issued by Haryana State Pollution Control Board to M/s DLF Cyber Park vide Letter bearing Memo No. HSPCB/Consent/:2821215GUNOCTE1696582 on dated 18.03.2015- Photocopy</p> <p>34) Extraction Approval issued by Department of Mines and Geology, Gurgaon, Mewat bearing Memo No. 2828 on dated 05.11.2015- Photocopy</p> <p>35) Fire NOC from the fire safety point of view for Group E-Business Building issued by Director General, Fire Service, Haryana, Panchkula to M/s DLF Cyber City Developers Ltd. vide Letter bearing Memo No. FS/2019/147 dated 26.06.2019- Photocopy</p> <p>36) Memorandum of Association and Articles of Association of DLF Cyber City Developers Ltd.- Certified True Copy</p> <p>37) Intimation to HUDA of creation of mortgage over the property- Original/Office Copy</p>
19.	Whether any additional formalities to be completed by the proposed mortgagor. If yes, state specifically in case of flats(s) property(s) in Co-op Societies, whether allotment letter, possession letter, share certificate, affidavit, power of attorney etc is required.	No


BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL

BRIJESH KUMAR TAMBER

ADVOCATE ON RECORD, SUPREME COURT OF INDIA, CODE No.: 2254
INSOLVENCY PROFESSIONAL, IBBI No.-IBBI/IPA-002/IP-N00523/2017-2018/11593

20.	Comments on Enforceability of Property under SARFAESI Act, 2002	The security created on the above stated property can be legally enforced under the provisions of SARFAESI Act, 2002.
-----	---	---

DATE:19.10.2020


BRIJESH KUMAR TAMBER

BRIJESH KUMAR TAMBER
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
INSOLVENCY PROFESSIONAL