

8/9/22

TITLE

INVESTIGATION

REPORT

OF

AYURSUNDRA HOSPITAS (GUWAHATI) PVT. LTD

LAND OWNER
SMT. GIRI BALA BAISHYA

PREPARED BY



MRS. ANUPAMA ROY
SBI PANEL ADVOCATE

MRS ANUPAMA ROY

Advocate
Gauhati High Court

Phone no—5079-36565

Annexure - B

1.	a.	Name of the Branch/ Business Unit/Office seeking opinion.	State Bank of India, Commercial Branch, Guwahati-05.
	b.	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	Ref no. CB/AMT-I/2022-23/118 dated 18/06/2022
	c.	Name of the Borrower.	AYURSUNDRA HOSPITAS (GUWAHATI) PVT. LTD., a Private Limited Company.
2.	a.	Type of Loan	Term Loan
	b.	Type of property	Residential land
3.	a.	Name of the unit/concern/ company/person offering the property/ (ies) as security.	Smt. Giri Bala Baishya W/o Late Gobinda Baishya.
	b.	Constitution of the unit/concern/ person/body/authority offering the property for creation of charge.	Individual
	c.	State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	Guarantor cum Mortgagor
4.	a.	Value of Loan (Rs. in crores)	Rs. 35 Cr.
5.		Complete or full description of the immovable property (ies) offered as security including the following details.	
	a.	Survey No.	A plot of land measuring 1.72 Are (12.86 Lechas/ 1,851.84 Sq.ft.) covered by Dag no. 138 (Old)/ 521 (New) of K.P.Patta no. 271 (Old)/ 394 (New) of village Sahar Bharalumukh Part - I under Jalukbari mouza, District Kamrup (Metro) (Metro), Assam.
	b.	Door/House no. (in case of house property)	Holding no. 11-00057B of Road no. 69
	c.	Extent/ area including plinth/ built up area in case of house property	Total land measuring 1.72 Are (12.86 Lechas/ 1,851.84 Sq.ft.)
	d.	Locations like name of the place, village, city, registration, sub-district etc. Boundaries	Village Sahar Bharalumukh Part - I under Jalukbari mouza, District Kamrup (Metro) (Metro), Assam. North : L. Baishya. South : Road. East : Dr. Kalita. West : A. Baishya. (As per Valuation Report)

6.	a) Particulars of the documents scrutinized-serially and chronologically. b) 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/ copy/ certified extract/ photocopy, etc.	In case of copies, whether the original was scrutinized by the advocate.
1.	12/12/1998	Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza issued in the name of Sri Gobinda Balshya	Original	Yes
2.		Sadar Jamabandi of Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Certified Copy	Yes
3.	18/12/2012	Mutation order vide Mutation Case no. 2261/2012-13 issued in the name of Smt. Giri Bala Balshya W/o Late Gobinda Balshya	Certified Copy	Yes
4.	09/08/2004	Jamabandi of Patta no. 271 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Certified Copy	Yes
5.	10/12/2012	GMC Tax receipt issued by the Guwahati Municipal Corporation	Certified Copy	Yes
6.	19/09/2012	Land revenue paying receipt issued by the Mouzadar, Guwahati	Original	Yes
7.		Trace Map of Dag no. 521 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Original	Yes
8.	07/08/2022	Non Encumbrance Certificate no. 13152/2022 issued by the Sr. Sub- Registrar, Guwahati, Kamrup (Metro)	Original	Yes
9.	02/08/2022	Form 50 (3 Nos.) issued by Sheristadar, Munsiff Court no., Civil Judge, District & Session Judge, Guwahati, Kamrup (Metro), Assam	Original	Yes
10.		Jamabandi of Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza	System Generated Copy	Yes
11.		Jamabandi of Patta no. 271 of village Sahar Bharalumukh Part - I under Jalukbari mouza	System Generated Copy	Yes
12.		Electricity Bill issued by the APDCL	Original	Yes
7.	a.	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.) (HL : If the value of loan => Rs.1 crore and in case of commercial loans irrespective of the loan component)	Does not arise. The records maintained in the office of the Circle Office, Guwahati. I am of the considered opinion that the aforesaid Patta no. 521 is genuine in the eye of law. The jamabandi of the aforesaid village reveals the same as that of the patta.	

	b.	Whether all pages in the certified copies of title documents which are obtained directly from Sub-Registrar's office have been verified page by page with the original documents submitted? (In case originals title deed is not produced for comparing with the certified or ordinary copies, the matter should be handled more diligently & cautiously).	Does not arise
8.	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?	Jamabandi is available through computer system
	b.	If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.	Yes
	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?	Not possible
	d.	Whether proper registration of documents completed. Details thereof to be provided.	Yes, proper registration of documents completed
9.	a.	Property offered as security falls within the jurisdiction of which sub-registrar office?	Sub-Registrar, Guwahati, District Kamrup (Metro), Assam
	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?	Does not arise
	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
10.	a.	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.	
	b.	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) From the documents submitted before me it appears that during the re-settlement operation for the year of 1986, Sri Akhil Ch. Baishya, Sri Umesh Ch. Baishya, Sri Gobinda Baishya, Sri Ashok Ch. Baishya, Sri Lakhi Prasad Baishya and Sri Ganesh Prasad Baishya all are sons of Late Prabhat Baishya were the recorded co-pattadar of land measuring 13.38 Are covered by Dag no. 271 of K.P.Patta no. 137 of Sahar Bharalumukh Part - I under Jalukbari mouza, District Kamrup (Metro), Assam as is evident from the Sadar Jamabandi (Record of rights). Thereafter, Sri Ganesh Baishya S/o Late Prabhat Baishya applied for separate patta of his share in	

		the aforesaid property from the Patta No. 271 and Dag no. 138 and accordingly a separate patta being Separate (Batowara) Patta No. 394 and Dag No. 521 in respect of an area of land measuring 1.72 Are (12.86 Lechas) being Batowara Case no. 351/1997-98 order dated 09/11/1998 was issued in the name of Sri Gobinda Balshya S/o Late Prabhat Balshya and Sri Gobinda Balshya S/o Late Prabhat Balshya has been recorded as sole pattadar in the surveyed villages. On the death of Gobinda Balshya, his legal heir Smt. Grl Bala Balshya W/o Late Gobinda Balshya inherited the share of land of Late Gobinda Balshya being land measuring 4.01 Are (1 Katha 10 Lechas). After Smt. Grl Bala Balshya W/o Late Gobinda Balshya got mutation in respect of land measuring 1.72 Are being vide order of the Guwahati Revenue Circle Officer, Guwahati, dated 18/12/2012 passed in Mutation Case No. 2261/2012-13 by way of right of inheritance and possession and included as recorded pattadar in place of Late Gobinda Balshya and in due course of time included her name in the Jamabandi (Recodr of rights). Smt. Grl Bala Balshya W/o Late Gobinda Balshya has got her name inserted in the jamabandi in respect of plot of land by way of inheritance and possession and included as sole pattadr no. 2 in place of Late Gobinda Balshya and said land classified as Class 2 Residential land. It appears that Smt. Grl Bala Balshya W/o Late Gobinda Balshya has been paying land revenue in respect of the said plot of land, therefore, it can be said that the landed property is not a defaulting estate and said property is presently mortgaged with the State Bank of India, Commercial Branch, Guwahati-05. The title of the property (Land) measuring 1.72 Are (12.86 Lechas/ 1,851.84 Sq.ft.) covered by Dag no. 138 (Old)/ 521 (New) of K.P.Patta no. 271 (Old)/ 394 (New) of village Sahar Bharalumukh Part - I under Jalukbari mouza, District Kamrup (Metro) (Metro), Assam now stands in the name of Smt. Grl Bala Balshya W/o Late Gobinda Balshya by way of inheritance and possession and as such Smt. Grl Bala Balshya W/o Late Gobinda Balshya has acquired the status of a land holder defined in the Assam Land and Regulation and also acquired a marketable title over the said plot of land and by deposit of deeds and documents as mentioned are valid evidence, right, title and interest and that if Equitable Mortgage is created, it will satisfy the requirements of creation of equitable mortgage. No minor's interest or other clog is involved in the property.
	C.	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. No minor's interest is involved
11.	a.	Nature of Title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/ Possessory Rights or Inam Holder Full ownership right under Regulation 9 of the Assam Land Revenue Regulation, 1886

	or Govt. Grantee/ Allottee etc.)	
	If Ownership Rights,	Yes, full ownership right
a.	Details of the Conveyance Documents	Patta
b.	Whether the document is properly stamped.	Yes
c.	Whether the document is properly registered.	Yes
	If leasehold, whether;	Not Lease Hold
a.	The Lease Deed is duly stamped and registered	Does not arise
b.	The lessee is permitted to mortgage the Leasehold right,	Does not arise
c.	duration of the Lease/unexpired period of lease,	Does not arise
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.	Does not arise
e.	Whether the leasehold rights permits for the creation of any superstructure (if applicable)?	Does not arise
f.	Right to get renewal of the leasehold rights and nature thereof.	Does not arise
	If Govt. grant/ allotment/Lease-cum/Sale Agreement / Occupancy / Inam Holder / Allottee etc, whether;	Does not arise
a.	Grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions?	Does not arise
b.	The mortgagor is competent to create charge on such property?	Does not arise
c.	Any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available?	Does not arise
	If occupancy right, whether;	No
a.	Such right is heritable and transferable,	Does not arise
b.	Mortgage can be created.	Does not arise
12.	Has the property been transferred by way of Gift/Settlement Deed	Does not arise
a.	The Gift/Settlement Deed is duly stamped and registered;	Does not arise
b.	Whether there is any restriction on the Donor in executing the gift/settlement deed in question?	Does not arise

	c.	The Gift/Settlement Deed transfers the property to Donee;	Does not arise
	d.	Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separate writing or by implication or by actions?	Does not arise
	e.	Whether the Donee is in possession of the gifted property?	Does not arise
	f.	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;	Does not arise
	g.	Any other aspect affecting the validity of the title passed through the gift/settlement deed.	Does not arise
13.		Has the property been transferred by way of partition / family settlement deed	No, Partition is not there
	a.	Whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.	Does not arise
	b.	Whether mutation has been effected	Does not arise
	c.	Whether the mortgagor is in possession and enjoyment of his share.	Does not arise
	d.	Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon.	Does not arise
	e.	In respect of partition by a decree of court, whether such decree has become final and all other conditions/ formalities are completed/ complied with.	Does not arise
	f.	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?	Does not arise
14.		Whether the title documents include any testamentary documents /wills?	No
	a.	In case of wills, whether the will is registered will or unregistered will?	Does not arise
	b.	Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	Does not arise
	c.	Whether the property is mutated on the basis of will?	Does not arise
	d.	Whether the original will is available?	Does not arise
	e.	Whether the original death certificate of the testator	Does not arise

		is available?	
	f.	What are the circumstances and/or documents to establish the will in question is the last and final will of the testator?	Does not arise
	g.	Comments on the circumstances such as the availability of a declaration by all the beneficiaries about the genuineness/ validity of the will, all parties have acted upon the will, etc., which are relevant to rely on the will, availability of Mother/Original title deeds are to be explained.	Does not arise
15.		Whether the property is subject to any wakf rights / belongs to church / temple or any religious / other institutions	No
	a.	Any restriction in creation of charges on such properties?	Does not arise
	b.	Precautions/ permissions, if any in respect of the above cases for creation of mortgage?	Does not arise
16.	a.	Where the property is a HUF/joint family property?	Does not arise
	b.	Whether 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.	Does not arise
	c.	Please also comment on any other aspect which may adversely affect the validity of security in such cases?	Does not arise
17.	a.	Whether the property belongs to any trust or is subject to the rights of any trust?	Does not arise
	b.	Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	Does not arise
	c.	If YES, additional precautions/permissions to be obtained for creation of valid mortgage?	Does not arise
	d.	Requirements, if any for creation of mortgage as per the central/state laws applicable to the trust in the matter.	Does not arise
18.		Is the property an Agricultural land	No. As per Jamabandi said land is Classified as Residential land.
	a.	Whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for creation/enforcement of mortgage?	Does not arise
	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?	Does not arise

	c.	In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained?	Does not arise
19.	a.	Whether the property is affected by any local laws or special enactments or other regulations having a bearing on the security creation/ mortgage (viz. Agricultural Laws, weaker Sections, minorities, Land Laws, SEZ regulations, Coastal Zone Regulations, Environmental Clearance, etc.)?	No
	b.	Additional aspects relevant for investigation of title as per local laws.	Does not arise
20.	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?	No
21.	a.	Whether the property is involved in or subject matter of any litigation which is pending or concluded?	No. as per Application for Information (Form 50).
	b.	If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?	Does not arise
	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
22.	a.	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered?	Does not arise
	b.	Property belonging to partner(s), whether thrown on hotchpot? Whether formalities for the same have been completed as per applicable laws?	No
	c.	Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm?	Does not arise
23.	a.	Whether the property belongs to a Limited Company, check the Board resolution, authorisation to create mortgage/execution of documents, Registration of any prior charges with the Company Registrar (ROC), Articles of Association /provision for common seal etc.	No
	b/1	Whether the property (to be mortgaged) is purchased by the above Company from any other Company or Limited Liability Partnership (LLP) firm ? Yes / No.	No

	b/2	If yes, whether the search of charges of the property (to be mortgaged) has been carried out with Registrar of Companies (RoC) in respect of such vendor company / LLP (seller) and the vendee company (purchaser) ?	Does not arise
	b/3	Whether the above search of charges reveals any prior charges/encumbrances, on the property (proposed to be mortgaged) created by the vendor company (seller)?	No
	b/4	If the search reveals encumbrances / charges, whether such charges / encumbrances have been satisfied?	No
24.		In case of Societies, Association, the required authority/power to borrow and whether the mortgage can be created, and the requisite resolutions, bye-laws.	Does not arise
25.	a.	Whether any POA is involved in the chain of title during the period of search?	Does not arise
	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.	Does not arise
		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).	Does not arise
	c.	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.	Does not arise
	d.	In case of Common POA (i.e. POA other than Builder's POA), please clarify the following clauses in respect of POA. I) Whether the original POA is verified and the title investigation is done on the basis of original POA? II) Whether the POA is a registered one? III) Whether the POA is a special or general one? IV) Whether the POA contains a specific authority for execution of title document in question?	Does not arise
	e.	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	Does not arise

		the same has been ascertained from the office of sub-registrar also?)	
	f.	Please comment on the genuineness of POA?	Does not arise
	g.	The unequivocal opinion on the enforceability and validity of the POA.	Does not arise
26.		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.	Does not arise
27.	i.	If the property is a flat/apartment or residential/commercial complex	Does not arise
	a.	Promoter's/Land owner's title to the land/ building;	Absolute ownership
	b.	Development Agreement/Power of Attorney;	Does not arise
	c.	Extent of authority of the Developer/builder;	Does not arise
	d.	Independent title verification of the Land and/or building in question;	Verified the land documents as mentioned in this TIR.
	e.	Agreement for sale (duly registered);	Does not arise
	f.	Payment of proper stamp duty;	Yes
	g.	Requirement of registration of sale agreement, development agreement, POA, etc.;	Does not arise
	h.	Approval of building plan, permission of appropriate/local authority, etc.;	Does not arise
	i.	Conveyance in favour of Society/ Condominium concerned;	Does not arise
	j.	Occupancy Certificate/allotment letter/letter of possession;	Does not arise
	k.	Membership details in the Society etc.;	Does not arise
	l.	Share Certificates;	Does not arise
	m.	No Objection Letter from the Society;	Does not arise
	n.	All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.;	Does not arise
	o.	Requirements, for noting the Bank charges on the records of the Housing Society, if any;	No
	p.	If the property is a vacant land and construction is	Does not arise

		yet to be made, approval of layout 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.	Does not arise
	II.A	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act, 2016? Y/N.	Does not arise
	II.B	Whether the project is registered with the Real Estate Regulatory Authority? If so, the details of such registration are to be furnished,	Does not arise
	II.C	Whether the registered agreement for sale as prescribed in the above Act/Rules there under is executed?	Does not arise
	II.D	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?	Does not arise
28.		Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof.	The property is presently mortgage with the State Bank of India, Commercial Branch, Guwahati-05.
29.		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.	The search has been conducted for the period from 01/01/1993 to 07/08/2022. The NEC obtained from Sub-Registrar office, Guwahati, District Kamrup (Metro). Be it stated herein that since the office of the Sub-Registrar, Kamrup (Metro), Guwahati is issuing NEC for a period from 1993 to 2022 only. I have verified records maintained in the office of the Sub-Registrar office, Guwahati and Circle Office for 30 years. And as per Sl. no. 8 of the TIR, the chain of title is established more than 30 years.
30.		Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	Land Revenue has been paid.
31.	a.	Urban land ceiling clearance, whether required and if so, details thereon	No.
	b.	Whether No Objection Certificate under the Income Tax Act is required / obtained?	Not required
32.	a.	Details of RTC extracts/mutation extracts/ Katha extract pertaining to the property in question.	Jamabandi
	b.	Whether the name of mortgagor is reflected as owner in the revenue/Municipal/Village records?	Yes in Revenue Record as well as in the Municipal records
33.	a.	Whether the property offered as security is clearly	Yes, as could be seen from the Valuation Report

		demarcated?	
	b.	Whether the demarcation/ partition of the property is legally valid?	Yes
	c.	Whether the property has clear access as per documents? (The property should be legally accessible through normal carriers to transport goods to factories / houses, as the case may be).	Yes
34.	a.	Whether the property can be identified from the following documents : 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 the property can be identified. Electricity Bill available No
	b.	Discrepancy/doubtful circumstances, if any revealed on such scrutiny?	No
35.	a.	Whether the documents i.e. Valuation report / approved sanction plan reflect / indicate any difference / discrepancy in the boundaries in relation to the Title Document / other document. (If the valuation report and /or approved plan are not available at the time of preparation of TIR, please provide these comments subsequently, on receipt of the same).	Yes. The plot is demarcated on all side as per valuation report dated 26/02/2020 submitted by the M/s PS Biswas & Associates .
36.	a.	Whether the Bank will be able to enforce SARFAESI Act, if required against the property offered as security?	Yes, the Bank will be able to enforce SARFESI Act, If required against the property offered as security
	b.	Property is SARFAESI compliant (Y/N)	Yes
37.	a.	Whether original title deeds are available for creation of equitable mortgage	Title deeds are available for creation of equitable mortgage
	b.	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.	The property is presently mortgaged with the State Bank of India, Commercial Branch, Guwahati-05. (Title Deed and other land documents already kept with the State Bank of India, Commercial Branch, Guwahati-05).
38.		Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	Does not arise
39.		The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Smt. Gira Bala Balshya W/o Late Gobinda Balshya

Date: 08/09/2022

Place: Guwahati

Mrs. Annama Roy
Signature of the Advocate
Advocate
Gauhati High Court

Annexure – C

CERTIFICATE OF TITLE

I have examined the original title deeds intended to be deposited relating to the schedule property/ (ies) in question and offered as security by way of equitable mortgage and that the documents of the title referred to in the opinion are valid evidence of right, title and interest and that if the said equitable mortgage is created, it will satisfy the requirements of creation equitable mortgage and I further certify that:

2. I have examined the Documents in detail, taking into account all the Guidelines in the check list vide Annexure B and the other relevant factors.
3. I confirm having made a search in the land/ revenue records. I also confirm having verified and checked the records of the relevant Government Offices,/Sub-Registrar(s) Office(s), Revenue Records, Municipal/ Panchayat Office, Land Acquisition Office, Registrar of Companies Office, Wakf Board (Wherever applicable). I do not find anything adverse which would prevent the Title Holders from creating a valid Mortgage. I am liable /responsible, if any loss is caused to the Bank due to negligence on my part or by my agent in making search.
4. Following scrutiny of land records/ revenue records, relative title deeds, certified copies of such title deeds obtained from the concerned registrar office and encumbrance certificate (EC), I hereby certify the genuineness of the title deeds. Suspicion/doubt, if any has been clarified by making necessary enquiries.
5. There are no prior mortgage/ charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 01/01/1993 to 07/08/2022 pertaining to the immovable Property/(ies) covered by above said title deeds. As per Affidavit cum Undertaking property is presently mortgaged with the State Bank of India, Commercial Branch, Guwahati-05.
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 mortgager and the Bank.
7. There is no Minor's interest in the property/(ies).
8. The mortgage, if created, will be available to the Bank for the Liability of the intending borrower, **Smt. Giri Bala Baishya W/o Late Gobinda Baishya**.
9. I certify that **Smt. Giri Bala Baishya W/o Late Gobinda Baishya** has/have an absolute, clear and marketable title over the schedule property/(ies). I further certify that the above title deeds are genuine and a valid mortgage can be created and the said mortgage would be enforceable.
10. In case of creation of Mortgage by Deposit of title deeds, I certify that the deposit of following title deeds/ documents would create a valid and enforceable mortgage:

1.	12/12/1998 ✓	Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza issued in the name of Sri Gobinda Baishya	Original	✓
2.	✓	Sadar Jamabandi of Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Certified Copy	
3.	18/12/2012 ✓	Mutation order vide Mutation Case no. 2261/2012-13 issued in the name of Smt. Giri Bala Baishya W/o Late	Certified Copy	

		Gobinda Baishya	
4.	09/08/2004	Jamabandi of Patta no. 271 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Certified Copy
5.	10/12/2012	GMC Tax receipt issued by the Guwahati Municipal Corporation	Certified Copy
6.	19/09/2012	Land revenue paying receipt issued by the Mouzadar, Guwahati	Original
7.		Trace Map of Dag no. 521 of village Sahar Bharalumukh Part - I under Jalukbari mouza	Original
8.	07/08/2022	Non Encumbrance Certificate no. 13152/2022 issued by the Sr. Sub- Registrar, Guwahati, Kamrup (Metro)	Original
9.	02/08/2022	Form 50 (3 Nos.) issued by Sheristadar, Munsiff Court no., Civil Judge, District & Session Judge, Guwahati, Kamrup (Metro), Assam	Original
10.		Jamabandi of Patta no. 394 of village Sahar Bharalumukh Part - I under Jalukbari mouza	System Generated Copy
11.		Jamabandi of Patta no. 271 of village Sahar Bharalumukh Part - I under Jalukbari mouza	System Generated Copy
12.		Electricity Bill issued by the APDCL	Original

11. There are no legal impediments for creation of the Mortgage under any applicable Law/Rule in force.
12. It is certified that the property is SARFAESI compliant.

SCHEDULE OF THE PROPERTY

A plot of land measuring **1.72 Are (12.86 Lechas/ 1,851.84 Sq.ft.)** covered by **Dag no. 138 (Old)/ 521 (New)** of **K.P.Patta no. 271 (Old)/ 394 (New)** of village **Sahar Bharalumukh Part - I** under **Jalukbari mouza**, District Kamrup(Metro), Assam, which is bounded as follows :

North : L. Baishya.

South : Road.

East : Dr. Kalita.

West : A. Baishya. (As per Valuation Report)

Place : Guwahati
Date : 08/09/2022

Signature of the Advocate

(Mrs. Anupama Roy)

Gauhati High Court