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Annexure-B: Report of investigation of title in respect of immovable Property **56/04/2017**

1.	a) Name of the Branch/ Business Unit/ Office seeking opinion.	State Bank of India SME Branch Ranipur Haridwar (Uttarakhand) - 249401	Date
	b) Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.		
2.	a) Name of the unit/ concern/company/ person offering the property as security.	M/s Industrial Support Systems, through its proprietor Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar	
	b) Constitution of the Unit/concern/ person/ body/authority offering the property for creation of charge.	Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar, is the present owner of this property by way of registered sale deed dated 26.12.1983	
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor etc.)	As a borrower.	
3.	Complete or full description of the immovable property offered as security including the following details.	A residential property having plot of land bearing plot no. 59, with total area of 2152 square feet, , bounded in East- Land of Society, West- Plot No. 60, North- Land of Society and afterwards land of Forest Dept. & South- Road 30 feet wide, situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar.	
	(a) Survey No.	N.A.	
	(b) Door/House no (in case of house property)	To be ascertained from the report of Valuer.	
	(c) Extent/ area including plinth/ built up area in case of house property.	with total area of 2152 square feet	
	(d) Locations like name of the place village, city, registration, sub-district etc. Boundaries	situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar	
4.	a) Particulars of the documents scrutinized- serially and chronologically.	Certified copy of registered sale deed dated 26.12.1983 registered in bahi no.1 zild 832 pages 333 to 335 serial no. 2789 dated 29.12.1983 in the office of Sub-registrar Haridwar, executed by Haridwar Sahkari Grah Nirman Samiti Ltd. in favour of present owner Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar.	
	(a) Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified.		
	Sl. No. Date Name/ Nature of the Document.		
5.	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts	Yes.	



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	along with the TIR)	
6.	<p>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?</p> <p>b) If such online/computer records are available, whether any verification or cross checking are made and the comments/findings in this regard.</p> <p>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?</p>	<p>N.A.</p> <p>Date</p> <p>N.A.</p> <p>N.A.</p>
7.	<p>a) Property offered as security falls within the jurisdiction of which sub-registrar office?</p> <p>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?</p> <p>c) Whether search has been made at all the offices named at (B) above?</p> <p>d) Whether the searches in the offices of registering authorities of any other records reveal registration of multiple title documents in respect of the property in question?</p>	<p>Sub- Registrar Haridwar</p> <p>No.</p> <p>N.A.</p> <p>No.</p>
8.	<p>Chain of title tracing the title from the oldest title deed to the latest title deed establishing title of the property in question from the predecessors in title/interest to the current title holder. And wherever minor's interest or other clog on title is involved search should be made for a further period, depending on the need for clearance of such clog on the title.</p>	<p>The property in question with other property was the property of Nagar Palika Haridwar.</p> <p>2- Later on Nagar Palika Haridwar transferred this property by way of registered sale deed dated 07.09.1977 in favour of Haridwar Sahkari Grah Nirman Samiti Ltd. Haridwar.</p> <p>3- Later on Haridwar Sahkari Grah Nirman Samiti Ltd. Haridwar transferred this property by way of registered sale deed dated 26.12.1983 in favour of present owner Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar, who has already mortgaged this property in favour of bank by way of equitable mortgage.</p> <p>Thus the chain of title is complete.</p> <p>I further certify that the provisions of the SARFAESI Act 2002 will be applicable to this property after obtaining the documents detailed herein.</p>





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9.	Nature of title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/ Possessory Rights or Inam Holder or Govt. Grantee/Allottee etc.	Full ownership Date
10.	If leasehold, whether a) Lease Deed is duly stamped and registered b) Lease is permitted to mortgage the Leasehold right. c) Duration of the Lease/unexpired period of lease. 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. e) Whether the leasehold rights permits for the creation of any superstructure (if applicable)? f) Right to get renewal of the leasehold rights and nature thereof.	No.
11.	If Govt. grant/ allotment/Lease-cum/Sale Agreement whether. grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions. the mortgagor is competent to create charge on such property. whether any permission from Govt. of any other authority is required for creation of mortgage and if so whether such valid permission is available.	N.A.
12.	If occupancy right whether. a) Such right is heritable and transferable. b) Mortgage can be created.	N.A.
13.	Nature of minor's interest, if any and if so, whether creation of mortgage could be possible the modalities/ procedure to be followed including court permission to be obtained and the reasons for coming to such conclusion.	There is no interest of any minor in the property.
14.	If the property has been transferred by way of Gift/Settlement Deed, whether. a) The Gift/Settlement Deed is duly stamped and registered. b) The Gift/Settlement Deed has been attested by two witnesses. c) The Gift/Settlement Deed transfers the property to Donee; d) Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separated writing or by implication or by actions. e) Whether there is any restriction on the Donor in executing the gift/settlement deed in question. f) Whether the Donee in possession of the gifted property.	N.A.



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Date

	<p>g) Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage.</p> <p>h) An other aspect affecting the validity of the title passed through the gift/settlement deed.</p>	
15.	<p>a) In case of partition/family settlement deeds, whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.</p> <p>(b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share..</p> <p>(c) Whether the partition made is valid in law and the mortgagor has acquired a mortgagable title thereon.</p> <p>(d) In respect of partition by a decree of court whether such decree has become final and all other conditions/ formalities are completed/ computed with.</p> <p>(e) Whether any of the documents in question are executed in counterparts or in more than one set? If so additional precautions to be taken for avoiding multiple mortgages.</p>	N.A.
16.	<p>Whether the title documents include any testamentary documents /wills?</p> <p>(a) In case of wills, whether the will is registered will or unregistered will?</p> <p>(b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?</p> <p>(c) Whether the property is mutated on the basis of will?</p> <p>(d) Whether the original will is available?</p> <p>(e) Whether the original death certificate of the testator is available?</p> <p>(f) What are the circumstances and/or documents to establish the will in question is the last and final will of the testator?</p> <p>(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).</p>	No.
17.	<p>(a) Whether the property is subject to any Wakf rights?</p> <p>(b) Whether the property belongs to church/ temple or any religious/other institutions having any restriction in creation of charges on such properties?</p>	No.
18.	<p>(a) Where the property is a HUF/Joint family</p>	No.



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	property, mortgage is created for family benefit/legal necessity, whether the Major Coparceners have no objection/join in execution, minor's share if any, rights of female members etc. (b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?	Date
19.	(a) Whether the property belongs to any trust or is subject to the rights of any trust? (b) Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property? (c) It so additional precautions/ permissions to be obtained for creation of valid mortgage? (d) Requirements, if any for creation of mortgage as per the central/state laws applicable to the trust in the matter.	No.
20.	(a) If the property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for creation/enforcement of mortgage. (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? (c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	N.A., as the property is a residential property situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar. N.A. N.A., as above.
21.	Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz. Agricultural Laws, weaker Sections, minorities. Land Laws, SEZ regulations, Coastal Zone Regulations, Environmental Clearance, etc.).	No.
22.	(a) Whether the property is subject to any pending or proposed land acquisition proceedings? (b) Whether any search/enquiry is made with the Land Acquisition Office and the outcome of such search/enquiry.	No.
23.	(a) Whether the property is involved in or subject matter of any litigation which is pending or concluded? (b) If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement? (c) Whether the title documents have any court seal/ making which points out any litigation/	N.A.





	attachment/security to court in respect of the property in question? In such case please comment on such seal/markings.		Date
24.	(a) In case of partnership firm, whether the property belongs to the firm and the deed is property registered. (b) Property belonging to partners, whether thrown on hot spot? Whether formalities for the same have been completed as per applicable laws? (c) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	N.A.	
25.	Whether the property belongs to a Limited Company, check the Borrowing powers. Board resolution, authorization to create mortgage/execution of documents. /Registration of any prior Charges with the Company Registrar (ROC), Articles or Association/ provision for common seal etc.	No.	
26.	In case of Societies, Association, the required authority/power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	N.A.	
27.	(a) Whether the POA is involved in the chain of title? (b) Whether any 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. (c) In case the title document is executed by the POA holder, please clarify whether the POA involved is (i) one executed by the Builders viz. Companies/ Firms/Individual or Proprietary Concerns in favour of their Partners/ Employees/ Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreements of Sale, Sale Deeds, etc. in favour of buyers of flats/units (builder's POA) or (ii) other type of POA (Common POA). (d) In case of Builder's POA, whether a certified copy of POA is available and the same has been verified/compared with the original POA. (e) 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?	No. No. N.A. N.A. N.A. N.A. N.A. N.A.	





	<p>iii. Whether the POA is a special or general one?</p> <p>iv. Whether the POA contains a specific authority for execution of title document in question?</p> <p>(f) Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please clarify whether the same has been ascertained from the office of sub-registrar also?)</p> <p>(g) Please comment on the genuineness of POA?</p> <p>(h) The unequivocal opinion on the enforceability and validity of the POA?</p>	<p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p>	<p>Date</p>
28.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/ stamped/ authenticated in terms of the Law of the place, where it is executed.	No.	
29.	<p>If the property is a flat/apartment or residential/commercial complex, check and comment on the following:</p> <p>(a) Promoter's/Land owner's title to the land/building:</p> <p>(b) Development Agreement/Power of Attorney:</p> <p>(c) Extent of authority of the Developer/builder:</p> <p>(d) Independent title verification of the Land and/or building in question:</p> <p>(e) Agreement for sale (duly registered):</p> <p>(f) Payment of proper stamp duty:</p> <p>(g) Requirement of registration of sale agreement, development agreement, POA, etc.</p> <p>(h) Approval of building plan, permission of appropriate/local authority, etc.;</p> <p>(i) Conveyance in favour of Society/Condominium concerned:</p> <p>(j) Occupancy Certificate/allotment letter/letter of possession.</p> <p>(k) Membership details in the Society etc.:</p> <p>(l) Share certificates:</p> <p>(m) No Objection Letter from the Society;</p> <p>(n) All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.;</p> <p>(o) Requirements, for noting the Bank charges on the records of the Housing Society, if any;</p> <p>(p) If the property is a vacant land and construction is yet to be made, approval of layout and other precautions, if any.</p> <p>(q) Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.</p>	No.	





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30.	Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof.	I have inspected the available record Index 2nd in the office of Sub-registrar Haridwar for a period of 30 years i.e. 1987 to 2017 up to ^{Date} and found the property is clear, marketable and free from all recorded encumbrances, <u>except the earlier charge</u> in favor of State Bank Of India.
31.	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	N.A.
32.	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	N.A., as the property is a residential property situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar.
33.	(a) Urban land ceiling clearance, whether required and if so, details thereon. (b) Whether No Objection Certificate under the Income Tax Act is required/ obtained.	N.A., as the property is a residential property situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar.
34.	Details of RTC extracts/ mutation extracts/ Khata extracts pertaining to the property in question.	Yes.
35.	Whether the name of mortgagor is reflected as owner in the revenue/Municipal/Village records?	Yes.
36.	(a) Whether the property offered as security is clearly demarcated? (b) Whether demarcation/ partition of the property is legally valid? (c) Whether the property has clear access as per documents?	Yes. Yes. Yes.
37.	Whether the property can be identified from the following documents, and discrepancy /doubtful circumstances, if any revealed on such scrutiny? (a) Document in relation to electricity connection; (b) Document in relation to water connection; (c) Document in relation to Sales Tax Registration, if any applicable; (d) Other utility bills, if any.	Yes.
38.	In respect of the boundaries of the property, whether there is a difference/ discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? I so please elaborate/ comments on the same.	No.
39.	If the valuation report and/or approved/ sanctioned plans are made available, please comment on the same including the comments on the description and boundaries of the property on the said document and that in the title deeds. (If the valuation report and/or approved plan are not available at the time of preparation of TIR, please provide these comments	N.A., as the valuation report and/or approved plan are not available at the time of preparation of TIR.



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	subsequently, on making the same available to the advocate.)	
40.	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	No. Date
41.	Whether the Bank will be able to enforce SARFESI Act, if required against the property offered as security?	Yes.
42.	In case of absence of original title deeds, details of legal and other requirements for creation of a proper, valid and enforceable mortgage by deposit of certified extracts duly certified etc., as also any precaution to be taken by the Bank in this regard.	N.A., original title deed is already deposited in favour bank.
43.	Whether the governing law/constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be take in such cases.	N.A.
44.	Additional aspects relevant for investigation of title as per local laws.	N.A.
45.	Additional suggestions, if any to safeguard the interest of Bank/ensuring the perfection of security.	Spot inspection & Identity of persons executing documents in favor of Bank is recommended to be verified.
46.	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar.

Date: 26.04.2017

Place: Haridwar

Signature of the Advocate





Certificate of title

I have examined the Certified copy of Title Deed is already deposited relating to the ^{Date} schedule property and offered as security by way of Equitable Mortgage and that the documents of title referred to in the Opinion are valid evidence of Right, title and Interest and that the said Equitable Mortgage if created, it will satisfy the requirements of creation of 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 records. I also confirm having verified and checked the records of the relevant Government Offices, Sub-Registrar Office. 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 SIDCUL Office, relative Title Deeds, certified copies of such title deeds obtained from the concerned registrar office, I hereby certify the genuineness of the Title Deeds, Suspicious/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 01.01.1987 to 2017 up to date pertaining to the Immovable Property covered by above said Title Deed. The property is free from all recorded Encumbrances, except the earlier charge in favor of State Bank Of India.

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

7. The Mortgage is already created, will be available to the Bank for the liability of the intending Borrower M/s Industrial Support Systems, through its proprietor Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar.

8. I certify that Shri Rajesh Kumar Sharma S/o Shri Mathura Prasad Sharma R/o Bilkeshwar colony Haridwar Tehsil & Distt. Haridwar, has got a clear & marketable title over the Schedule property. I further certify that the above title deeds are genuine and a valid mortgage by deposit of title Deed is already created and the said Mortgage would be enforceable.

In case of creation of Mortgage by Deposit of title deeds, we certify that the deposit of following title deeds/ documents would create a valid and enforceable mortgage:

N.A., as the Equitable mortgage is already created in favor of State Bank of India.

I further certify that the provisions of the SARFAESI Act 2002 will be applicable to this property after obtaining the documents detailed herein.

SCHEDULE OF THE PROPERTY

A residential property having plot of land bearing plot no. 59, with total area of 2152 square feet, , bounded in East- Land of Society, West- Plot No. 60, North- Land of Society and afterwards land of Forest Dept. & South- Road 30 feet wide, situated at Bilkeshwar Nagar colony, near Bilkeshwar Mandir Haridwar (within Limits of Nagar Nigam Haridwar), Tehsil & Distt. Haridwar.

Date: 26.04.2017

Place: Haridwar.

Signature of the Advocate

