

ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATES FOR
SUBMISSION OF LEGAL SCRUTINY REPORT.


Sl. No.	Particulars	Remarks
1	Nature of Title (ownership/Leasehold/Occupancy/ Govt. Grant/Allotments etc.)	Ownership by registered Sale Deed .
1-A	If the property has been transferred by way of Gift Deed whether- a) The Gift Deed is duly stamped and registered b) The Gift Deed has been attested by two witnesses c) The Gift Deed transfers the property to Donee d) Whether the Donee has accepted the gift by signing the Gift Deed or by a separated writing or by implication or by actions/	N/A. N/A. N/A N/A.
2	If Leasehold, whether a) Lease deed is duly stamped and registered. b) Lessee 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.	It is a Free hold property N/A N/A N/A N/A
3.	If Govt. grant/allotment/Lease-cum- Sale agreement, whether: a) Grant/agreement etc., provides for alienable rights to the mortgagor with or without conditions, b) The mortgagor is competent to create charge on such property.	N/A N/A
4.	If Occupancy right, whether- a) Such right is heritable and transferable b) Mortgage can be created.	N/A N/A
5.	a) Whether provisions of Urban Land Ceiling Act applicable/ permission obtained. b) Whether NOC under Income Tax Act is required/obtained.	N/A N/A

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	c) Whether records with the Registrar of Assurances verified (if applicable).	N/A
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name	N/A
7.	In case of Agricultural Land, the position regarding creation and enforceability with regard to local laws.	The land is declared as non-agriculture land u/s.143 Z.A.& L.R.Act .
8.	In case of conversion of Agricultural Land for commercial purposes, whether requisite procedure/permissions complied with/obtained.	Land is converted into non-agriculture land vide order dated 18.6.2007 in case no.22/217 of 2006-07 u/s. 143 Z,A. & L.R.Act.
9.	a) In case of partition/settlement deeds is available for deposit . If not the modality/procedure to be followed to create a valid mortgage. b) Whether mutation has been effected and the mortgagor is in possession and enjoyment of his share. c) Whether the partition is valid in law?	N/A. N/A. N/A..
10.	a) In case of partnership firm, whether the property belongs to the firm and registered. b) Whether the person/s creating the mortgage has/have the authority to execute on behalf of the firm.	N/A N/A
11.	In case of Limited Companies, verify the Borrowing Power Resolution, authority to create mortgage/ execution of documents, any prior charges with ROC, MOA/AOA, provision for common seal etc.	Resolution for the creation of mortgage's power be obtained with the NOC from ROC.
12.	In case of Societies/Associations, verify requisite resolutions, bye laws, powers to borrow, encumbrances etc.	N/A
13.	In case of POA holder, verify the genuineness of POA and te extent of powers. Whether the POA is properly executed/stamped/authenticated/enfor ceable as per the Law of the place.	N/A
14.	If the property is a flat/apartment or residential/commercial complex, verify- a)Promoter's / land owner's title to the land/building. b) Whether the flats are developed	N/A.

	<p>by the Land Owner or constructed on joint development basis.</p> <p>c) Development agreement/POA</p> <p>d) Extent of Authority of the Developer/Builder</p> <p>e) Whether the construction is approved by the competent authority?</p> <p>f) Independent title verification of the land or building in question.</p> <p>g) Agreement of sale (duly registered)</p> <p>h) Whether it is a second/subsequent sale?</p> <p>i) Payment of proper stamp duty</p> <p>j) Conveyance in favour of the Society/Condominium concerned.</p> <p>k) Occupancy certificate/allotment letter/letter of possession.</p> <p>l) Membership details in the Society etc.</p> <p>m) Share certificates</p> <p>n) NOC from the Society</p> <p>o) Latest maintenance charges paid receipt from Society</p> <p>p) Whether proportionate share in land is transferred to the mortgagor</p> <p>q) Documents evidencing possession such as Telephone bill, electricity bill, tax paid receipt etc.</p> <p>r) Other legal requirements under the local/municipal laws with regard to ownership of flats/apartments/building regulations, society laws etc.</p>	<p>N/A.</p> <p>N/A</p> <p>N/A.</p> <p>N/A.</p> <p>N/A</p> <p>N/A</p> <p>N/A..</p> <p>N/A</p> <p>N/A.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A..</p> <p>Not required.</p>
15.	In case of joint family property and mortgage created for family benefit/legal necessity, verify whether major co-parceners have no objection, joined in execution, rights of female members, minor's shares etc.	N/A.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	<p>The property is purchased by Gupta Cables Pvt.Ltd. through sale deed dated 09.04.2007 sl. no.2874, chain of title and endorsement is described in L.S.R.</p> <p>Sir, the L.S.R. is hereby submitted alongwith Non- encumbrance certificate for perusal and further necessary action .</p>
17.	Pending litigations/court attachments/injunction/stay orders/acquisition by the Govt./Local	None.

	authorities etc., if any.	
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No


 (UMESH CH. JOSHI)
 ADVOCATE
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 KASHIPUR
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UMESH CHANDRA JOSHI
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Chamber No.93
No.

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Office: Court Road,
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Date: 12.04.2016

ANNEXURE – III
C E R T I F I C A T E

Inspection/verification of Records of Landed Property at Registrar/ Sub-Registrar's Office at Kashipur, Distt. U.S.Nagar.

To
The Chief Manager,
Canara Bank,
Kashipur Branch.Distt. U.S.Nagar

Dear Sir,
Sub: Verification of records of landed property at Registrar/Sub- Registrar's Office Kashipur , District Udham Singh Nagar. (Place)

This is to confirm that I have visited the Registrar/Sub- registrar's office at Kashipur on 04.2016 (date) and verified that the name of M/s. Gupta Cables Pvt. Ltd. Kuttackpuri Road Bhubaneswar (Orissa) through authorized representative Shri Abhilash Kamani S/o. Shri Ashok Kumar R/o. Vijaynagar, Near Stadium, Kashipur, Distt. Udham Singh Nagar, is recorded as owner over the under noted property in the office of Sub Registrar Kashipur.

The property details are as under:-

Plot no.132 of Nand Nagar Industrial Area Phase II, bearing khasra no.1220 min. area 1.0366 he3c. of khata no.174 situated in village Mahuakheraganj, Tehsil Kashipur, District Udham Singh Nagar, bounded in East Plot no.132A, in West Road 24.00 meter wide Nandnagar Industrial Area Phase-2, in North Road 18.00meter wide of Nandnagar Industrial Area, and in South Road 18.00 meter wide (included chakroad) Nandnagar Industrial Area Phase 2. Kashipur, District Udham Singh Nagar (As is given in sale deed dated 9.4.07 & Titamma dated 18.06.2007).

Further, I certify as under:-

1. That there are no prior charges over the said property and M/S. Gupta Cables Pvt.Ltd. above named is the absolute owner of the said property as per the above sale deed and verified by me in the Registrar/Sub-Registrar's office Kashipur

OR

2. That as per the records available at Registrar/Sub- registrar's office, Kashipur , the property is mortgaged/ charged to:

Date of Document	Description of the Document	In whose favour	Amount mentioned in the document
Nil	Nil	Nil	Nil

- Enclosure: 1. Copy of sale deed dated 09.04.2007 Serial no.2874 & Titamma dt.18.6.07
2. Copies of khatauni 1417-22F. of Mahuakheraganj
3. Photo copy of order dated 18.6.07 in case no. 22/217 of 06-07 u/s.143 Z.A.&L.R.Act
4. Inspection fee receipt.

Place: Kashipur
Date: 12.04.2016

Signature of the Advocate

UMESH CHANDRA JOSHI

M.A., LL.B.

ADVOCATE/NOTARY

Ex.PRESIDENT BAR ASSOCIATION

Chamber No.93

No.

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Date: 12.04.2016

ANNEXURE -IV
LEGAL SCRUTINY REPORT

A. Description of the documents scrutinized:

Sl. No.	Date of Document	Name of Document/s	Whether original/ Certified/ True copy/Photostat
1	09.04.2007 18.6.2007	Sale deed registered at serial no.2874 and Titamma Serial no.4761	Photocopy
2	1417-22F	Khatauni 1417-1422F. Mahuakehrganj	Photostat copy
3	18.6.07	Order u/s.143 Z.A.& L.R.Act Case no.22/217 of 06-07 and connected documents.	Photo copy

B. Description of Property / properties .

Plot no.132 of Nand Nagar Industrial Area Phase II, bearing khasra no.1220 min. area 1.0366 he3c. of khata no.174 situated in village Mahuakheraganj, Tehsil Kashipur, District Udham Singh Nagar, bounded in East Plot no.132A, in West Road 24.00 meter wide Nandnagar Industrial Area Phase-2, in North Road 18.00meter wide of Nandnagar Industrial Area, and in South Road 18.00 meter wide (included chakroad) Nandnagar Industrial Area Phase 2. Kashipur, District Udham Singh Nagar (As is given in sale deed dated 9.4.07 & Titamma dated 18.04.2007).

C. Tracing of party's title for the last 14 years. If connected title deeds reveal any circumstances or incidences, which necessitate further tracing of party's title, it shall also be done.

Chain of Title Deed pertaining to the immovable property presently owned by M/s. **Gupta Cables Pvt.Ltd.**,Cuttack Puri Road, Bhubaneswar (Orissa) situated at Mahuakheraganj, Tehsil Kashipur Distt. Udham Singh Nagar.

That the land of khasra no.1220 area 3.368 hect.of Mahuakheraganj was recorded in the names of Kallu Singh & Mitrapoal Singh sons of shri Jay Jay Singh in class I-K Bhumidhar having transferable rights from 1384F. i.e. from 1977, as is evident from copy of khatauni 1411-16F. Vide order dated 28.2.2007 in case no.30/710 of 06-07 the name of M/S. Jindal Holidays Pvt.Ltd. Ramnagar Road Kashipur through director Vikas Jindal entered on total 3.368hec.land by expunging the name of said Kallu Singh and Mitrapal /Singh on the basis of sale deed.

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M/S. Jindal Holidays Pvt.Ltd. Ramnaar Road Kashipur through director Sri Anand Vaishya sold 1220 min. area 1.0366 hec. fully described above in col. no.B through sale deed dated 09.04.2007 serial no.2874 to M/s. **Gupta Cables Pvt.Ltd.** above named and the boundaries of this land has been substituted vide Rectification deed dated 18.6.2007 serial no.4761. The name of M/s. Gupta Cables Pvt.Ltd. is mutated in revenue record vide order dated 04.08.2007 in case no.30/2430 of 06-07. The land of khasra no.1220 area 3.368 hec. is declared as non-agriculture land u/s. 143 Z.A.& L.R.Act vide order dated 18.6.2007 in case no.22/217 of 06-07 Jindal Holidays Vs. State. The extract of khatauni including this order be taken.

Hence the chain of title and endorsement for 14 years is complete and in order. During the examination of relevant papers it is also observed that the landed property 1.036 hec. noted above, has been purchased by Gupta Cables Pvt.Ltd. through registered sale deed mentioned above, which is valid, genuine and enforceable in law and on the basis of the sale deed the name of said company is muted in revenue record. And land is declared as non-agriculture land u/s. 143 Z.A.& L.R.Act as noted above.

That the search of the available records was made by the under signed counsel in the office of Sub Registrar (Registration) Kashipur for the period from 01.01.2002 to 2016 upto date vide inspection receipt No. 57/81 dated 12.04.2016 and found that name of said M/s. **Gupta Cables Pvt.Ltd.** abovenamed is recorded as owners of the said property.

Consequently the property under reference is free from encumbrance and prior charges and defect whatsoever.

- D. Encumbrance certificate for a period of 14 years for all the items of properties subject to 'C' above.

I have searched the documents mentioned in Index II in the books of Sub Registrar Kashipur from 01.01.2002 to 2016 upto date for available records and found that the land is free from encumbrances, lien and charges.

- E. Evidence of possession – findings on documents and revenue record.
As per sale deed dated 09.04.2007 serial no.2874 M/S. **Gupta Cables Pvt.Ltd.** above named are in possession of the said property, but physical possession can be verified at the spot.

- F. The documents to be deposited (original/certified) for creation of valid and enforceable mortgage and the specific person i.e. M/S. **Gupta Cables Pvt. Ltd.** through its authorized signatory for which resolution of company be taken, who are required to create mortgage/ to deposit documents creating the mortgage.

1. Original Sale deed registered in Addl. Book no.1, on pages 215-220 of Zild 1504 at serial no.2874 in the office of Sub Registrar Kashipur.
2. Original rectification deed dated 18.6.2007 registered in Addl. Book no.1 pm [ages 35-38 of Zild 1523 aty serial no.4761 in the office of Sub Registrar Kashipur.

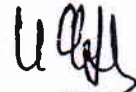
3. Extract of khatauni 1411-1416F. , 1417-22F. & latest extract of Khatauni of Mahuakheraganj.
4. Certified copy of order dated 18.6.07 in case no.22/217 of 06-07 u/s. 143 Z.A.& L.R.Act.
5. Affidavit

G. Certificate of title should clearly disclose:

- 1) Whether the party has an absolute, clear and marketable title over the property/ies proposed to be mortgaged.
Yes..
- 2) Whether the party can execute valid simple/equitable mortgage in favour of the bank.
Yes. The equitable mortgage is possible by depositing above documents.
- 3) Whether any of the property intended to be given by way of mortgage is subject any minor's or any other claims.
No.

Date: 04.04.2016

Signature of Advocate



(UMESH CH. JOSHI)

Umesh Ch. Joshi
Advocate

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**CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO
SCRUTINISED THE DOCUMENTS.**

I have gone through the original title deed intended to be deposited relating to the property and offered as security by way of simple/equitable mortgage and that the documents of title referred to above are perfect evidence of title and that if the said simple/equitable mortgage is created are deposited in the manner required by law, it will satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the revenue records and do not find any adverse features, which would prevent the title holder- **M/S. Gupta Cables Pvt.Ltd. Cuttackpuri Road, Bhubaneswar.**
2. I have visited the records of Sub Registrar Kashipur and revenue record of Tehsil **Kashipur** and verified the records/details of the property belonging to **M/S. Gupta Cables Pvt. Ltd.** above named .
3. There are no prior mortgages/charges whatsoever as could be seen from the encumbrance certificate for the period from 1.1.2002 to 2016 pertaining to the immovable property/ies covered by the above said title deeds.
4. There are prior mortgages/charges to the extent of ...Nil.. which are liable to be cleared or satisfied by complying with the following.

Nil
5. There are claims from minor/s and his/their interest in the property/ies is to the extent of..... (specify the share of the minor/s with name)

N/A.
6. The undivided share of the minor/s is (whether there is a claim or not)
(specify the share of minor/s)

N/A.
7. The property/ies is/are subject to the payment of Rs.....(specify the liability that is fastened or could be fastened on the property/ies).

N/A


(2)

8. Provisions of Urban Land Ceiling Act are not applicable/permission obtained.
N/A.
9. Holding/acquisition is in accordance with the provisions of the Land Reforms Act.
No.
10. The mortgage, if created, will be available to the Bank for the liability of the intending borrower **M/S. Gupta Cables Pvt.Ltd. above named** I certify that **M/S. Gupta Cables Pvt. Ltd. above named** has a valid and marketable title in the property/ies shown above and they can create equitable mortgage in favour the bank.

Place: Kashipur

Date: 12.04.2016

Signature of the Advocate



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Advocate

Kashipur (U.S. Nagar)

Umesh Ch. Joshi

Advocate

Ex-President Bar Association

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*Strike out if not applicable.