

Sale deed No.
87

So. No.
(10)

AVINASH KUMAR

Advocate & Solicitor,

**Supreme Court of India
& Delhi High Court.**

Email :- advocateavinashkumar2010@gmail.com

OFFICE:-

CHAMBER NO. 59,
Western Wing, Tis Hazari,
DELHI-110054.

MOB. 9811454365.

To,
The Deputy General Manager,
State Bank of India,
Overseas Branch,
Jawahar Vyapar Bhawan,
New Delhi-110001.

Dated. 18/04/2018

INVOICE No. ISGEC/YAMUNA NAGAR-19

BILL

1. Professional Charges for conducting title
search of Industrial land measuring 32K-12.5M
comprising in Khasra No. 12//14/1, 16, 15, 17/1,
17/2, 24/1, 6/4/1, 6/6/1, 6/7/4, 6/5/1, 6/4/2 (all
the Khasra numbers have been converted into Abadi
and has been given the Khasra No. 28 jointly) situated
at Mauja Habibpur, with in the Municipal Corporation
of Yamuna Nagar, Tehsil- Jagadhari, Distt. Yamuna
Nagar, Haryana. in the name of **M/s Isgec Heavy
Engineering Limited.**

Rs. 11000/

2. Charges of Inspection.

Rs. 1500/

TOTAL.

Rs. 12500/

(Rs. Twelve Thousand Five Hundred only)



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My State Bank of India Saving A/C no. 10945932923.

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To,

The Deputy General Manager,

State Bank of India,

Overseas Branch,

Jawahar Vyapar Bhawan,

New Delhi-110001.

Dated. 18/04/2018**SUB: TITLE INVESTIGATION REPORT**

1. (a)	Name of the Branch/BU seeking opinion.	State Bank of India, Overseas Branch, Jawahar Vyapar Bhawan, Delhi.
(b).	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	SBI/OBND/AMT5/2017-18/255 dated 31/01/2018.
(c)	Name of the Borrower.	M/s Isgec Heavy Engineering Limited.
2. (a)	Name of the unit/concern/ company/person offering the property (ies) as security.	M/s Saraswati Industrial Syndicate Limited (Presently known as M/s Isgec Heavy Engineering Limited).
(b)	Constitution of the unit/ concern/person/body/authority offering the property for creation of mortgage.	A Limited Company.
(c).	State as to under what capacity is security offered (whether as joint applicant or borrower or guarantor, etc.)	Borrower.
3.	Complete or full description of the immoveable property offered as security for creation of mortgage whether equitable/registered mortgage	Industrial land measuring 00B-05B comprising in Khasra No. 1002/383/2, 384/2 (all the Khasra number have been converted into Abadi and has been given the Khasra No. 34 jointly), situated at Mauja Mamida Yamuna, with in the Municipal Corporation of Yamuna Nagar, Tehsil-Jagadhari, Distt. Yamuna

		Nagar, Tehsil- Jagadhari, Distt. Yamuna Nagar, Haryana.
(a)	Survey No.	Khasra No. 12//14/1, 16, 15, 17/1, 17/2, 24/1, 6/4/1, 6/6/1, 6/7/4, 6/5/1, 6/4/2 (all the Khasra numbers have been converted into Abadi and has been given the Khasra No. 28 jointly)
(b)	Door No. (In case of house property)	N.A.
(c)	Extent/area including plinth built up area in case of house property.	land area measuring 32K- 12.5M.
(d)	Location like name of the place, village, city, registration, Sub-district etc.	Situated in village Habibpur Yamuna, Distt. Yamuna Nagar.
4.	Particulars of the documents scrutinized - serially and chronologically.	1. Sale Deed dated 09.04.1963 registered as Document No. 87.
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.	No. Title documents are too old, therefore certified copy not available.
6.(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.	No.
(b)	If such online/computer records are available, whether any verification or cross checking are made and the comments/findings in this regard.	N/A.
(c).	Whether the genuineness of the stamp paper is possible to be got verified from any online and if so whether such verification was made.	No.
7.(a)	Property offered as security falls within the jurisdiction of which sub-registrar office.	Sub Registrar Office, Jagadhari, Distt. Yamuna Nagar Haryana.
(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.	Sub Registrar Office, Jagadhari, Distt. Yamuna Nagar Haryana.

(c).	Whether search has been made at all the offices named at (b) above.	Yes.
(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.
8.	Chain/Flow of 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 whether 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. (Separate Sheets may be used).	Refer the separate sheets annexed.
9.	Nature of the title of the intending mortgagor over the property (Whether full ownership rights, Lease-hold rights, Occupancy/ Possessory rights or Inam holder or Govt. Grantee/Allottee etc.	Ownership Right.
10(a)	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. e) Whether the leasehold rights permits for the creation of any superstructure (If applicable). f) Right to get renewal of the lease-hold rights and nature thereof.	N/A.
11.	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. c) Whether any permission from Govt. or 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 and the reasons for coming to such conclusion.	No.
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 separate 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 is in possession of the gifted property; 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; h) Any other aspect affecting the validity of the title passed through the gift/settlement deed.	N.A.
15.	a) In case of partition/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. b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share. c) Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon. d) In respect of partition by a decree of court, whether such decree has become final and all other condition/ formalities are completed/complied with; e) Whether any of the documents in question are executed in counterparts or	N/A

	in more than one set, If so, additional precautions to be taken for avoiding multiple mortgage.	
16.	Whether the title documents include any testamentary documents/wills a) In case of Wills, whether the Will is registered Will or unregistered Will. b) Whether Will in matter needs a mandatory probate and if so whether the same is probated by a competent court. c) Whether the property has been mutated on basis of Will. d) Whether the original Will is available. e) Whether the original death certificate of the testator 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. (Comments on the circumstances such as availability of a declaration by all the beneficiaries about the genuineness/validity of the Will, all parties have acted on Will, availability of Mother/Original title deeds are to be explained)	N.A.
17.	a) Whether the property is subject to any wakf rights; b) Whether the property belongs to church/temple or any religious/other institution having any restriction in creation of any charge on such properties; c) Precaution/permission, if any in respect of the above cases for creation of mortgage.	No.
18.	a) Whether the property is a HUF/joint family 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.	No.
19.	a) Whether the property belongs to any trust or subject to rights of any trust;	N/A.

	b) Whether the trust is a private or public trust and whether trust deed specifically authorize the mortgage of property; c) If 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.	
20.	a) If the property is agriculture land, whether the local laws permit mortgage of agriculture 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 case of conversion of agriculture land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained.	Industrial Land. Converted from Agriculture into industrial.
21	Whether the property is affected by any local laws or other regulation having a bearing on the creation security (viz. Agriculture Laws, Weaker sections, minorities, Land laws, SEZ regulation, Coastal Zone regulation, Environmental Clearance etc.	No.
22	a) Whether the property is subject to any pending or proposed land acquisition proceedings; b) Whether any search is made with the Land Acquisition Office and 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/markings 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.	An Undertaking/affidavit should be obtained from the mortgagor in this respect.

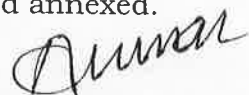
24.	a) In case of partnership firm, whether the property belongs to the firm and the deed is properly registered. b) Property belonging to partners, whether thrown on hotchpots; whether formalities for the same have been completed; c) Whether the person creating mortgage has authority to create mortgage for and on behalf of the firm.	N/A.
25.	Whether the property belongs to a limited company, check the borrowing powers, BOD resolution, Authorization to create mortgage/execution of documents, Registration of any prior charges with the Company Registrar (ROC), Articles of Association/Provision for common seal etc.	Yes. A BOD resolution and authorization letter to create mortgage should be obtained. A charge should be filed with Registrar of Companies (ROC).
26.	In case of societies, Association, the required authority/power to borrow and whether the mortgage can be created and the requisite resolution, bye-laws.	N/A.
27.	a) Whether any POA is involved in the chain of title; 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 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 POA holder, please clarify whether the POA involved is (1) executed by the Builder viz. Companies/Firms/Individual or Proprietary concerns in favour of their Partners/Employees/Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreement of Sale, Sale Deeds, etc. in favour of buyers of flats/units (Builder's POA) or, (2) 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/compaired with the original POA. e) In case of Common POA, Please clarify the following clause in respect of POA:- i. Whether the original POA is verified and the title investigation is done on basis of original POA; ii. Whether the POA is registered one iii. Whether the POA is a Special or	No.

	General one; iv. Whether the POA contains a specific Authority for execution of title document in question 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) g) Please comment on the genuineness of the POA. h) The unequivocal opinion on the enforceability and validity of POA.	
28.	Whether mortgage is being created by a POA holder, check genuineness of 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.	If the property is a flat/apartment or residential/commercial complex, check and comment on the following. a) Promoter's /Land owner's title to the land/building. b) Development Agreement/Power of Attorney. c) Extent of authority of the Developer/Builder. d) Independent title verification of the Land and/or building in question. e) Agreement for Sale (duly registered) f) Payment of proper stamp duty. g) Requirement of registration sale agreement, development agreement, POA etc. h) Approval of Building plan, permission of appropriate/local authority etc. i) Conveyance in favour of Society/Condominium concerned. j) Occupancy Certificate/Allotment letter/ Letter of possession. k) Membership details in the society etc. l) Share Certificates. m) No Objection Letter from the society. n) All legal requirements under the local/ municipal laws regarding ownership of flats/apartments/buildings regulations, development Control Regulations, Co-operative Societies Laws etc. o) Requirement for noting the Bank's charge on the records of Housing Society, if any..	Industrial Property.

	construction is yet to be made, approval of lay out and other precautions, if any. q) Whether numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	
30.	Encumbrance, attachments, and/or claims whether of Government, Central or State or Other local authorities or Third party claims, Liens etc, and details thereof. If Yes, Give the details thereof.	N/A.
31.	The period covered under the Encumbrance Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	Personal search is carried out for the last thirty years in the Sub -Registrar office-Jagadhari.
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.
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.
34.	Details of RTC extracts/Mutation extracts/Khata extracts pertaining to the property in question.	As per copy attached.
35.	Whether the name of mortgagor is reflected as owner in revenue/Municipal/ Village records.	N/A.
36.	a) Whether the property offered as security is clearly demarcated; b) Whether the demarcation/partition of property is legally valid; c) Whether the property has clear access as per documents;	Yes, as per document. However the Report of the panel valuer should be obtained.
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,	N/A.

	so please elaborate/comment on the same.	
39..	If the valuation report and/or approved/sanctioned plans are not 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.	Sanctioned Building Plan & Valuer Report should be obtained.
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.
41.	Whether the bank will be able to enforce SARFASI 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 certified extracts duly certified etc. as also any precaution to be taken by the bank in this regard.	N/A.
43.	Whether the governing law/constitutional documents of the mortgagor (other than natural person) permit creation of mortgage and additional precaution, if any to be taken in such cases.	N/A.
44.	Additional aspect 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.	N/A.
46.	The specific person(s) who is/are required to create mortgage/to deposit documents creating mortgage.	Authorized person/ Director of M/s Isgec Heavy Engineering Limited duly authorized by BOD resolution.

Note:- In case separate sheets are required, the same may be signed and annexed.


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CONTINUATION SHEET

Para 8. Flow of the titles, tracing out the title of the intended mortgagor and his/its predecessors in interest from the mother deed to the latest title deed.

- As per averments made in title documents, the flow of title is as follows.
- Previously, the property in question was owned and possessed by Sh. Sh. Hargobind S/o Sh. Dewan Chand who sold the same to the present owner M/s Saraswati Industrial Syndicate Ltd.(presently known as M/s Isgec Heavy Engineering Limited), vide Sale Deed No.87 dated 09.04.1963 registered in the office of Sub-Registrar Jagadhari.


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CERTIFICATE OF TITLE

ANNEXURE C

1. I have examined the Title Deeds deposited with the bank relating to the schedule property and offered as security by way of Equitable Mortgage by deposit of title deeds and that the documents of 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 of equitable mortgage by deposit of the title/sale deed 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 other relevant factors.
3. I confirm having made a search in the Sub-Registrar office for the period for last 30 years. I do not find anything adverse as per available records made available to me, 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 and relative title deeds, I hereby certify the genuineness of Title Deeds. Suspicious/Doubt, if any, has been clarified by making necessary enquiries :-
5. There are no prior registered mortgage/charge/encumbrance whatsoever, as could be seen from the record available at the office of Sub-Registrar pertaining to the immovable property. The property is free from registered encumbrances.
6. In case of second/subsequent charge in favour of the Bank, there are no other mortgage/charge other than already stated in the Loan documents and agreed to by the mortgagor and the bank:- **Not Applicable**
7. There is/are no Minor(s) and/or his/her/their interest in the said property.

8. The mortgage if created, will be available to the bank for the liability of the proposed Borrower.

9. I certify that **M/s Isgec Heavy Engineering Limited** has clear and marketable title over the Schedule property executed and registered in its favour. I further certify that title deeds are genuine and valid mortgage can be created on the basis of original title deeds and said mortgage would be enforceable.

In case of creation of mortgage by deposit of title deeds, the deposit of following title deeds and documents would create a valid and enforceable mortgage.

1. Resolution duly passed by the board of directors of **M/s Isgec Heavy Engineering Limited**, thereby resolving to mortgage of the captioned property of the company and further authorizing its director to create the mortgage.
2. **Original** Sale Deed dated 09.04.1963. registered as Document No. 87, in favour of **M/s Isgec Heavy Engineering Limited**.
3. **Certified copy** of Revenue record showing the name of present mortgagor.
4. Lien of the bank should be marked in the revenue record and certified copy of that effect should be kept on record.
5. Sanctioned Building Plan.
6. Affidavit of Nil Encumbrance from the mortgagor.
7. ROC Charge is to be created in respect of the present property.

There are no legal impediments for creation of mortgage under any applicable laws/rules in force and the property is free from registered encumbrances and can be validly mortgage with the bank by deposit of above-mentioned documents.

SCHEDULE OF THE PROPERTY/IES

Industrial land measuring 32K-12.5M comprising in Khasra No. 12//14/1, 16, 15, 17/1, 17/2, 24/1, 6/4/1, 6/6/1, 6/7/4, 6/5/1, 6/4/2 (all the Khasra numbers have been converted into Abadi and has been given the Khasra No. 28 jointly) situated at Mauja Habibpur, with in the Municipal Corporation of Yamuna Nagar, Tehsil- Jagadhari, Distt. Yamuna Nagar, Haryana.



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