

V. S. Legal Associates

S. V. Lad

Advocates High Court

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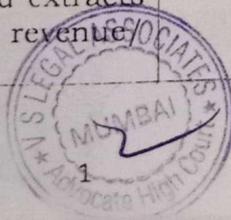
VS/SER/SBI/RACPC / Sion/0630/2024

Date 01/02/2024

Annexure - B

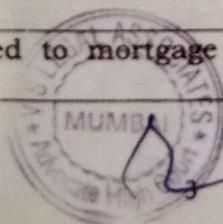
REPORT OF INVESTIGATION OF TITLE IN RESPECT OF IMMOVABLE PROPERTY.

1.	a) Name of the Branch/ Business Unit Office seeking opinion	State Bank of India, RACPC Sion
	b) Reference No. and date of the letter under the under the cover of the documents tendered for scrutiny	By Hand
	c) Name of the Borrowers.	Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser)
2.	a) Type of Loan	Home Loan
	b) Type of property	Flat
3.	a) Name of the Unit/ Concern/ Company/ person offering the property/(ies) as security.	Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser)
	b) Constitution of the unit/concern/person offering the property for creation of charge.	Joint Owners
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.	Borrowers
4.	Value of Loan (Rs. in crores)	
5.	Complete or full description of the immovable property/(ies) offered as security including the following details.	Flat No. 603 admeasuring 801 Sq. Ft. equivalent to 74.42 Sq. Mtrs. RERA Carpet on 6th Floor in A Wing of the building known as Le Jardin constructed on land bearing CTS No. 619, 619/1 & 619/4 (Old CTS No. 613 (Part)) & CTS No. 619/3 situated at Village Borla, Tal. Kurla, Dist. Mumbai Suburban
	a) Survey No.	CTS No. 619, 619/1 & 619/4 (Old CTS No. 613 (Part)) & CTS No. 619/3
	b) Door no. (in case of house property)	Flat No. 603
	c) Extent/ area including plinth/ built up area in case of house property	Admeasuring 801 Sq. Ft. equivalent to 74.42 Sq. Mtrs. RERA Carpet
	d) Locations like name of the place, village, city, registration, sub-district etc.	Village Borla, Tal. Kurla, Dist. Mumbai Suburban
6.	a) Particulars of the documents scrutinized- serially and chronologically	Mentioned herein under
	b) Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified.	Mentioned herein under
Note: Only originals or certified extracts from the registering/land/ revenue other authorities be examined.		

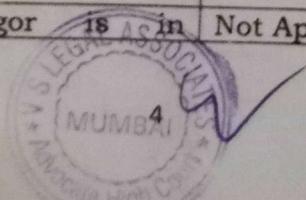


Sr. No.	Date of Document	Name of the parties	Original/ Certified Photocopy/ true copy	In case of copies, whether the original was scrutinized by the advocate.
1.	_____	Property Card	Photo copy	No
2.	14/08/2008 07/01/2017	Commencement Certificate issued by Municipal Corporation of Greater Mumbai	Photo copy	No
3.	18/08/2017 16/10/2018	RERA Certificate bearing No. being Registered No. P51800008046 - Le Jardin & Certificate for extension of RERA issued by Maharashtra Real Estate Regulatory Authority	Photo copy	No
4.	01/12/2022	Part Occupation Certificate issued by Municipal Corporation of Greater Mumbai	Photo copy	No
5.	_____	Draft Agreement for Sale whereby M/s. Jay Construction India and Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser)	Photo copy	No
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)		No instructions, hence not obtained	
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).		As above	
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?		Yes, online records available from 2002.	
b	If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.		Yes, verification made on Index II	
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?		No	

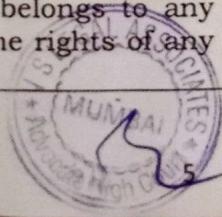
d	Whether proper registration of documents completed. Details thereof to be provided.	Yes
9. a	Property offered as security falls within the jurisdiction of which sub-registrar office?	Kurla
b	Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/ district registrar/ registrar- general. If so, please name all such offices?	Sub Registrar Assurance at Kurla 1 to 5
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
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. 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)	Annexed as Annexure 1
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.	No
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.	Not applicable
11. a	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.)	Ownership Right
	If Ownership Rights,	Yes
a	Details of the Conveyance Documents	No
b	Whether the document is properly stamped.	Yet to be stamped
c	Whether the document is properly registered.	Yet to be registered
	If leasehold, whether;	No
a	The Lease Deed is duly stamped and registered	Not Applicable
b	The lessee is permitted to mortgage the Leasehold right,	Not Applicable



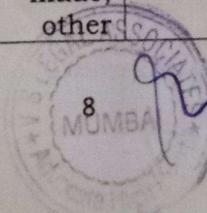
c	Duration of the Lease/unexpired period of lease,	Not Applicable
d	If, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	Not Applicable
e	Whether the leasehold rights permits for the creation of any superstructure (if applicable)?	Not Applicable
f	Right to get renewal of the leasehold rights and nature thereof.	Not Applicable
	If Govt. grant/ allotment/Lease-cum/Sale Agreement / Occupancy / Inam Holder / Allottee etc, whether;	No
a	Grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions?	Not Applicable
b	The mortgagor is competent to create charge on such property?	Not Applicable
c	Any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available?	Not Applicable
	If occupancy right, whether;	No
a	Such right is heritable and transferable,	Yes
b	Mortgage can be created.	Yes
	12. Has the property been transferred by way of Gift/Settlement Deed	No
a	The Gift/Settlement Deed is duly stamped and registered;	Not Applicable
b	The Gift/Settlement Deed has been attested by two witnesses;	Not Applicable
c	Whether there is any restriction on the Donor in executing the gift/settlement deed in question?	Not Applicable
d	The Gift/Settlement Deed transfers the property to Donee;	Not Applicable
e	Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separate writing or by implication or by actions?	Not Applicable
f	Whether the Donee is in possession of the gifted property?	Not Applicable
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;	Not Applicable
h	Any other aspect affecting the validity of the title passed through the gift/settlement deed.	Not Applicable
	13. Has the property been transferred by way of partition / family settlement deed	No
a	whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.	Not Applicable
b	Whether mutation has been effected	Not Applicable
c	Whether the mortgagor is in	Not Applicable



	possession and enjoyment of his share.	
d	Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon.	Not Applicable
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.	Not Applicable
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?	Not Applicable
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?	Not Applicable
b	Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	Not Applicable
c	Whether the property is mutated on the basis of will?	Not Applicable
d	Whether the original will is available?	Not Applicable
e	Whether the original death certificate of the testator is available?	Not Applicable
f.	What are the circumstances and/or documents to establish the will in question is the last and final will of the testator?	Not Applicable
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.	Not Applicable
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?	Not Applicable
b	Precautions/ permissions, if any in respect of the above cases for creation of mortgage?	Not Applicable
16	Where the property is a HUF/joint family property?	No
a	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.	Not Applicable
b	Please also comment on any other aspect which may adversely affect the validity of security in such cases?	Not Applicable
17.a	Whether the property belongs to any trust or is subject to the rights of any trust?	No

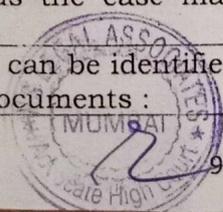


	the basis of original POA? ii) Whether the POA is a registered one? iii) Whether the POA is a special or general one? iv) Whether the POA contains a specific authority for execution of title document in question?	
e	Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please clarify whether the same has been ascertained from the office of sub-registrar also?)	Not Applicable
f	Please comment on the genuineness of POA?	Not Applicable
g	The unequivocal opinion on the enforceability and validity of the POA.	Not Applicable
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.	No
27.	If the property is a flat/apartment or residential/commercial complex	Flat
a	Promoter's/Land owner's title to the land/ building;	Ownership Rights
b	Development Agreement/Power of Attorney;	Not Applicable
c	Extent of authority of the Developer/builder;	Sell
d	Independent title verification of the Land and/or building in question;	Title in respect of flat verified in the SRO
e	Agreement for sale (duly registered);	Yet to be registered
f	Payment of proper stamp duty;	Yet to be paid
g	Requirement of registration of sale agreement, development agreement, POA, etc.;	Agreement for sale should be registered after execution.
h	Approval of building plan, permission of appropriate/local authority, etc.;	Yes
i	Conveyance in favour of Society/ Condominium concerned;	Not Yet
j	Occupancy Certificate/allotment letter/letter of possession;	Part Occupation Certificate dated 01/12/2022
k	Membership details in the Society etc.;	After formation of society
l	Share Certificates;	As above
m	No Objection Letter from the Society;	NOC to be obtained from the M/s. Jay Construction India, for creating equitable mortgage.
n	All legal requirements under the local/Municipal laws, regarding ownership of flats/Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.;	Complied
o	Requirements, for noting the Bank charges on the records of the Housing Society, if any;	Yes with builder
p	If the property is a vacant land and construction is yet to be made, approval of layout and other	Not Applicable



9	Whether the units/flats are as approved plan?
IIA	Whether the Real Estate Development & Construction is under the Real Estate Development & Construction Act, 1947?
IIIB	Whether the Real Estate Development & Construction is under the Real Estate Development & Construction Act, 1947?

	precautions, if any.	
q	Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	Yes
II.A	Whether the Real Estate Project comes under Real Estate (Regulation and Development) Act, 2016?	Yes
II.B	Whether the project is registered with the Real Estate Regulatory Authority? If so, the details of such registration are to be furnished,	The said M/s. Jay Construction India, have registered the said Project under the provision of Maharashtra Real Estate Regulatory Authority being Registered No. P51800008046 - Le Jardin dated 18/08/2017 ending with 18/05/2018 & Certificate for extension of RERA dated 16/10/2018 ending with 30/04/2019.
II.C	Whether the registered agreement for sale as prescribed in the above Act/Rules there under is executed?	Yes
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?	Yes
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.	We have conducted search for 30 years in Sub Registrar office at Kurla 1 to 5 & noticed that the said property mortgage with the Sheth Fincorp Services Pvt. Ltd.
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.	Years 1995 - 2024 Release of Charge to be obtained from Sheth Fincorp Services Pvt. Ltd.
30.	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	Paid
31.a	Urban land ceiling clearance, whether required and if so, details thereon	Not required
b	Whether No Objection Certificate under the Income Tax Act is required / obtained?	Not applicable
32.a	Details of RTC extracts/mutation extracts/ Katha extract pertaining to the property in question.	Not Applicable
b	Whether the name of mortgagor is reflected as owner in the revenue/Municipal/Village records?	Yes, in Index II
33.a	Whether the property offered as security is clearly demarcated?	Yes
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 :	To be obtained



	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.	
b	Discrepancy/doubtful circumstances, if any revealed on such scrutiny?	Not Applicable
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).	Valuation report not produced
36.a	Whether the Bank will be able to enforce SARFAESI Act, if required against the property offered as security?	Yes
b	Property is SARFAESI compliant	Yes
37.a	Whether original title deeds are available for creation of equitable mortgage	Yes
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.	Not applicable
38.	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	<p>➤ Before sanctioning the said loan to the prospective Purchasers/ Borrower the Bank Should ascertain the existence and present status of the status flat/ Building.</p> <p>➤ Before disbursal of the loan kindly cross verify NOC-Cum Mortgage noting letter issued by the builder.</p> <p>➤ In View of the Various Fraudulent instant, it is notice that the borrower/guarantor presents original the documents alongwith the proposal, borrower at the time of the creation of mortgage borrower. Guarantors deposit colour/ fabricated/ forged title deed, in the above backdrop bank is advised to kindly verify the genuineness of the Title Deed.</p>
39.	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser)

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

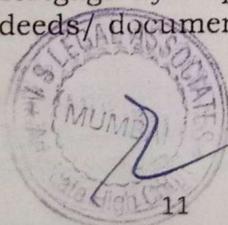
Date: **01/02/2024**
Place: Mumbai

Signature of the Advocate

CERTIFICATE OF TITLE

I have examined the photocopies of the title deed the which are intended to be deposited relating to the schedule property/(ies) 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 if the said Equitable Mortgage is created, it will satisfy the requirements of creation of Equitable Mortgage and I further certify that:

1. 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.
2. 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 find that the abovesaid property mortgaged with the **Sheth Fincorp Services Pvt. Ltd** which would not prevent the Title Holders from creating a valid mortgage, subject to Release of Charge to be obtained from Sheth Fincorp Services Pvt. Ltd. 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. **Encumbrances Noticed.** Release of Charge to be obtained from Sheth Fincorp Services Pvt. Ltd.
3. In case of loans to Housing projects / approval of Housing projects or Home loans for flats in Housing Projects. I confirm having made the search of the proposed development site and state that it is not Prohibited / Regulated Area under 'The Ancient Monuments and Archaeological Sites and Remains Act, 2010' and prior permission has been obtained from NMA (National Monuments Authority), wherever required.
4. Following scrutiny of Land Records/ Revenue Records, relative Title Deeds, certified copies of such title deed not to be obtained from the concerned registrar office and encumbrance certificate (EC), I hereby certify the genuineness of the Title Deeds. Suspicious/ Doubt, if any, has been clarified by making necessary enquiries.
5. There are prior Mortgage with the **Sheth Fincorp Services Pvt. Ltd** as could be seen from the Encumbrance Certificate for the period 1995 to 2024 pertaining to the Immovable Property/(ies) covered by above said Title Deeds. The property is free from all Encumbrances, subject to above clause 2.
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 : **(Not Applicable)**
7. Minor/(s) and his/ their interest in the property/(ies) is to the extent of (Specify the share of the Minor with Name): **(Not Applicable)**
8. The Mortgage if created, will be available to the Bank for the Liability of the Intending Borrowers **Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser)**, after execution of registered agreement for sale.
9. I certify that M/s. Jay Construction India 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, we certify that the deposit of following title deeds/ documents would create a valid and enforceable mortgage:



1.	_____	Agreement for Sale to be executed between M/s. Jay Construction India and Smita Bammidi & Devi Prasad Bammidi (Proposed Purchaser) (Incorporate -Wing A)	Original
2.	_____	Stamp duty paid receipt in respect of aforesaid Agreement for Sale	Original
3.	_____	Registration Receipt in respect of aforesaid Agreement for Sale	Original
4.	_____	Index II in respect of aforesaid Agreement for Sale	Original
5.	01/12/2022	Part Occupation Certificate issued by Municipal Corporation of Greater Mumbai	Photo copy
6.	-----	Release of Charge to be obtained from Sheth Fincorp Services Pvt. Ltd.	Photo copy
7.	-----	NOC to be obtained from the M/s. Jay Construction India , for creating equitable mortgaged	Original

11. There are no legal impediments for creation of the Mortgage under any applicable Law/ Rules in force.

12. It is certified that the property is SARFAESI compliant.

SCHEDULE OF THE PROPERTY/IES

Flat No. 603 admeasuring 801 Sq. Ft. equivalent to 74.42 Sq. Mtrs. RERA Carpet on 6th Floor in A Wing of the building known as Le Jardin constructed on land bearing CTS No. 619, 619/1 & 619/4 (Old CTS No. 613 (Part)) & CTS No. 619/3 situated at Village Borla, Tal. Kurla, Dist. Mumbai Suburban.

Place : Mumbai

Date : **01/02/2024**

Signature of the Advocate

