

SANTOSH T. KANCHAR

Advocate, High Court,

Office No. 315, 3rd floor, 78 Business Park Premises, Bhandup Station Road, Bhandup (West), Mumbai- 400078.

Mobile No. 9892769253 Email :kancharsantosh1974@gmail.com

Date : 23/08/2024.

To,

The Chief Manager,
Bank of Maharashtra,
Lokhandwala Complex branch
Mumbai .

Sir,

1]. **Sub:** - Certificate and Search Report with respect of Residential flat no. 803, adm. 470 sq. ft built up area on 8th floor of Wing E of building known as Abhishek now known as Juhu Abhishek CHS Ltd lying on land being S. No. 156, CTS No. 1338-A, 1338-B, 1338-C, 1377-A and CTS No. 1337-B lying at village Versova, Taluka-Borivali, District Bombay Suburban and bounded as under :

North : Land bearing CTS no. 1339

South : Housing Board Property

East : By existing Municipal Road,

West : Existing 100 wide JuhuVersova Road.

2]. **Name of the Branch:-** Bank of Maharashtra, Lokhandwala Complex Branch, Andheri (West), Mumbai.

3]. **Name of the Borrowers :-** SUMAN ANIL SHARMA (PROPOSED BORROWER).

4]. **Description of Documents scrutinized :-**

- Copy of Property Card being CTS No. CTS No. 1338-A, 1338-B, 1338-C, 1377-A and CTS No. 1337-B
- Copy of commencement certificate dated 27/04/1982 issued by Mumbai Municipal Corporation.
- Copy of full occupancy certificate dated. 08/09/1998 issued by Mumbai Municipal Corporation.
- Copy of registered Agreement for sale dated. 06/08/2004 executed between M/s. Omprakash and Company (the Promoters) and Mr. Mustaq P. Shroff (the purchaser) being Document No. BDR.4-



- 4572/2004 along with registration receipt no. 4596 dated 13/08/2004, stamp payment receipt dated. 04/08/2004.
- Copy of Index no. II of Registered Deed of Conveyance dated 27/10/2021 on 07/12/2021 duly registered at serial no. **Andheri/1/15814/2021..**
 - Copy of share certificate no. 39 dated. 25/09/2005

5]. Description of Property/properties/Nature of title :

- **Name of the owner/ Mortgagor**
SUMAN ANIL SHARMA (PROPOSED BORROWER) .
- **Extent of area(in acres/hect)**
adm. 470 sq. ft built up area
- **Survey no/ Gut No./CST No. / House no.**
S. No. 156, CTS No. 1338-A, 1338-B, 1338-C, 1377-A and CTS No. 1337-B.
- **Property is Leasehold/Freehold/Gove.grant etc.**
- Land and flat are freehold subject to charge of HDB FINANCIAL SERVICES LTD.
- **Nature of property**
Residential Flat
- **Location**
Village -Versova Mumbai.
d .
- **Boundaries**
As per point No.1 above

6. Trace of Title/ History of Passing of title. Details of antecedent title deeds :

- Prior to 1994, it is observed from the Property Card that Dr. Bomsji Jamshed Wadia (**In short "said owner"**) was seized and possessed of and sufficiently entitled to piece or parcel of land adm. 14,275.51 sq. meters bearing S. No. 156, CTS No. 1338-A, 1338-B, 1338-C, 1377-A and CTS No. 1337-B lying at village Versova, Taluka-Borivali, District Bombay Suburban (**In short "said property"**).
- Further, said owner granted the development rights in favour of M/s. Omprakash and Company (**In short "said developers"**) for a consideration and on the terms and conditions as mentioned in Agreement for sale dated. 28/03/1979.
- Said developers obtained the necessary approved plans, commencement certificate dated 27/04/1982 & full occupancy certificate dated. 08/09/1998 issued by Mumbai Municipal Corporation in respect of Building i.e. C2 (8th to 11th floor) on said property.



- **By and under a** registered Agreement for sale dated. 06/08/2004 executed between M/s. Omprakash and Company (the Promoters) and Mr. Mustaq P. Shroff (the purchaser) being Document No. BDR.4-4572/2004 inter alia provided that said Promoter sold the flat no. 803 to said purchaser for a consideration and on the terms and conditions as mentioned therein.
- The flat purchasers in building known as Abhishek formed among themselves " New Juhu Abhishek CHS Ltd" and share certificate no. 39 dated. 25/09/2005 issued by the society to Mr. Mustaq P. Shroff in respect of subject flat.
- Mr. Mustaq P. Shroff availed loan facility of Rs. 7586000/- from HDB FINANCIAL SERVICES LTD by depositing the original title deeds of his flat and hence NOI dated 31/05/2016 duly registered on 27/06/2016 at serial no. **Andheri/3/ 1470/2016**.
- Further, loan facility of Rs. 25000000 from HDB FINANCIAL SERVICES LTD by further depositing the original title deeds of his flat and hence NOI dated 15/02/2017 duly registered on 27/02/2017 at serial no. **Andheri/4/ 283/2017**.
- Further, loan facility of Rs. 35000000 from HDB FINANCIAL SERVICES LTD by further depositing the original title deeds of his flat and hence NOI dated 31/07/2017 duly registered on 21/08/2017 at serial no. **Andheri/4/ 1283/2017**.
- By and under a Registered Deed of Conveyance dated 27/10/2021 duly registered at serial no. **Andheri/1/15814/2021** on 07/12/2021, executed between Mr. K. P. Jable District Deputy Registrar Sahakari Sanstha Mumbai City 3 & Competent Authority on behalf of Dr. Bomsji Jamshed Wadia (owner) and M/s. Om Prakash Enterprises (the developers) and Juhu Abhishek CHS Ltd inter alia provided that said authority sold and conveyed said property along with building structures lying thereon.
- Thus said society became the absolute owners of said property along with structures lying thereon.
- We further observed that Mumbai Municipal Corporation has issued the Full Occupation certificate on 08/09/1998 in respect of Building i.e. C2 (8th to 11th floor). We further informed that said Developers had constructed Building Type C2 having various wings including Wing E having Ground + 11th floor for which occupancy certificate has been issued by the Corporation. Hence, Bank shall obtain the a letter from the society stating that the developer had constructed Building Type C-2 having Wing E known as Abhishek consisting of Ground +11th floor and occupation certificate has been issued by the Corporation for entire building i.e. Ground +11th floor.



- **The subject borrower has agreed to purchase the subject flat from Mr. Mustaq P. Shroff for a consideration and on agreed terms and conditions agreed between them. Thus, Mr. Mustaq P. Shroff is a valid and marketable rights, title and interest to sell the subject flat to the subject borrower subject to charge of HDB FINANCIAL SERVICES LTD.**

7]. Detailed information about property to be mortgaged:

Details	Remark of counsel
1. Whether the documents of title given raise any doubts or suspicion	No
2. Have the title deeds have been compared with those at registrars office & particulars tally.	Yes.
3. Whether any of the property intended to be given by way of mortgage is subject to any minor's or any other claims? If yes, state whether requisite permission from the concerned court has been obtained and produced?	No
4. Whether the property proposed to be mortgaged is subject to the provisions contained under any special enactment /local laws. State implications of such enactment on the charge proposed to be created?	Nil
5. Whether property to be mortgaged is coming under any restrictions on transfer & whether required permission/ consent as per terms of grant/allotment etc. obtained	Yes. HDB FINANCIAL SERVICES LTD is having charge on flat no. 803.
6. Whether provisions of urban ceiling Act are applicable? If applicable whether permission obtained.	No.
7. Whether the user land has been converted under land revenue law? Whether N.A. Permission /change of user permission is obtained?	Yes.
8. Whether required documents are available for creating valid equitable mortgage?	Yes.



9. What is the tenure of land ? (In case of Lease Property) and whether necessary consent permission of lessor obtained.	No
10. Whether the land is adiwasi(Tribal) Land?	No
11. Whether the land /property is joint family property? If yes are other joint owners ready to mortgage their share or give consent for mortgage by borrower.	No
12. Whether any prohibitory order from Income Tax/ Wealth Tax or other authorities?	No
13. Is land/ property subject to any reservations/ acquisitions/ requisitions?	No
14. Whether plans for constructions are sanctioned?	Yes. Plans are approved by Mumbai Municipal Corporation.
15. Whether Commencement certificate issued?	Yes. Commencement Certificate issued Mumbai Municipal Corporation. .
16. Whether Completion certificate obtained?	Yes. Full occupancy certificate has been issued by Mumbai Municipal Corporation.
17. Whether there are any restriction from Corporation such as "education Zone", "Green Zone" Etc.?	No
18. Is the land taken on lease from State Industrial Development Corporation? If yes whether tripartite agreement executed?	No.
19. Whether there are any prior encumbrances. If yes details thereof?	No.
20. Evidence of possession -- Findings on documents and revenue records, details of property tax, land revenue, society maintenance charges or any other statutory dues paid upto date or payable.)	No. The Possession of subject flat is yet to be granted to the borrowers



21. In case of companies /societies /association /trust Whether	N.A
a) Memorandum/byelaws of the company /society/association authorize to offer its property (ies) as security.	Not Applicable.
b) Requisite resolutions have been duly passed by the Company/Society/Association permitting mortgage of the properties in favour of the Bank.	N.A .
c) Such resolution sets out the names of the persons who are authorized to create charge over the properties.	N.A
d) Resolution U/s. 293 (i) (a) and 293 (i) (d) of Companies Act passed.	N.A
e) Details of the properties together with the documents are mentioned under such resolutions.	Not Applicable
f) In case of Public Limited Companies, certificate of commencement of business has been obtained and affixation of common seal is necessary in terms of articles of association.	Not Applicable
g) In case of public charitable trust whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any.	Not Applicable
22. In case of devolution of property by a will/ succession,	Not Applicable
A) Whether probate of will/ succession certificate/Letters of Administration obtained? Details thereof	Not Applicable
B) If probate/ succession certificate/ Letters of Administration not obtained, then how the mortgagor proposes to prove the title?	Not Applicable



C) The safeguards suggested to ensure title to the property offered as security.	As per list of documents.
26) Whether title deeds perused are in conformity with the search taken	Yes. The Title Deeds perused are found to be in conformity with the search taken.
Whether the chain of title is complete without any missing links	Yes.
Whether any other documents to be obtained/compliances to be made so as to create valid mortgage.	NOC of society for creation of equitable mortgage of subject flat in favour of the Bank & No Dues Certificate of HDB FINANCIAL SERVICES LTD in favour of Mr. Mustaq P. Shroff

8]. Documents to be submitted to Branch for creation of Equitable Mortgage

:-

- Proposed Original Registered Agreement for sale between Mr. Mustaq P. Shroff (the Seller) and Suman Anil Sharma (the purchaser) along with registration receipt, challan and Index no. II.
- Copy of full occupancy certificate dated. 08/09/1998 issued by Mumbai Municipal Corporation.
- Original Registered Agreement for sale dated. 06/08/2004 executed between M/s. Omprakash and Company (the Promoters) and Mr. Mustaq P. Shroff (the purchaser) being Document No. BDR.4-4572/2004 along with registration receipt no. 4596 dated 13/08/2004, stamp payment receipt dated. 04/08/2004 and index no. II.
- Original Share Certificate no. 39 dated. 25/09/2005.
- Copy of No dues certificate of HDB FINANCIAL SERVICES LTD in favour of Mr. Mustaq P. Shroff.
- NOC of society for creation of equitable mortgage of subject flat in favour of Bank of Maharashtra.
- Letter of society stating that Building Type C-2 is having Wing E having Ground +11th floor and full occupancy certificate is issued for Wing E by the Corporation.
- After disbursement of loan, Bank to mark its lien over the said flat with society & before Sub Registrar office by way of notice of Intimation of Mortgage.

9]. CERTIFICATE OF TITLE AND NO ENCUMBRANCE :

I have examined the copies of documents in respect of Residential flat no. 803 to be offered as security by way of Equitable Mortgage. I have also taken search with the Sub-Registrar of Assurances & Record of Rights for last 30 year i.e. 1994 to 2024. Therefore on the basis of search made by me and the documents placed



before me, I certify that **Suman Anil Sharma (Proposed Borrowers)** are having an absolute, clear and marketable title over the said property shown above **subject to No dues certificate of HDB FINANCIAL SERVICES LTD in favour of Mr. Mustaq P. Shroff**. I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrowers / mortgagors and that if the said equitable Mortgage by deposit of title deeds created in the manner required by law, it will satisfy the requirements of creation of Equitable Mortgage.

Precaution to be taken by Bank before disbursement of the loan amount:

Bank to have physical visit of the said subject flat before disbursement.

Encl: As Above.

Santosh K. Kanchar
MUMBAI
ADVOCATE



SANTOSH T. KANCHAR

Advocate, High Court,

Office No. 315, 3rd floor, 78 Business Park Premises, Bhandup Station Road,
Bhandup (West), Mumbai- 400078.

Mobile No. 9892769253

Email : kancharsantosh1974@gmail.com

Annexure - II

Summary Legal Title Search Report To Be Submitted By The Empanelled Advocate Alongwith Detailed Report

Sr. No.	Particulars	Compliance
1.	Name of the Branch	Bank of Maharashtra, Lokhandwala Complex Branch, Andheri (West], branch, Mumbai .
2	Name of the Borrower.	Suman Anil Sharma (Proposed Borrowers)
3.	Name of the Advocate / Firm	Adv. Santosh T. Kanchar.
4.	Searches made with Registrar of Conveyance, Revenue Records and Municipality / Corporation Record and Verified	Yes.
5.	Description of Property / Properties / Nature of Title	Residential flat no. 803, adm. 470 sq. ft built up area on 8 th floor of Wing E of building known as Abhishek now known as Juhu Abhishek CHS Ltd lying on land being S. No. 156, CTS No. 1338-A, 1338-B, 1338-C, 1377-A and CTS No. 1337-B lying at village Versova, Taluka-Borivali, District Bombay Suburban
a)	Name of the owner / Mortgagor as per Title Deed	Suman Anil Sharma (Proposed Borrowers)
b)	Extent of area(in acres/hectars/sq.mtrs./sq.ft.)	adm. 470 sq. ft built up area
C	Survey No./Gut No./CST No./House	CTS No. 1338-A, 1338-B,



	No.	1338-C, 1377-A and CTS No. 1337-B
d)	Boundaries	As per the approved building plan.
e)	Type of Land	Land
f)	Nature of Property	Residential flat
g)	Location	village -Varsova Mumbai
h)	Appears in Land Acquisition / requisition / reservation.	No.
i)	Plans for constructions are sanctioned.	Yes. Plans are approved by Mumbai Municipal Corporation
j)	Taxes paid up to date	Yes.
k)	Trace of Title/History of Passing of Title deed (Details of antecedent of title deeds)	N.A
l)	Encumbrance Status	Flat are free from encumbrances subject to No dues certificate of HDB FINANCIAL SERVICES LTD in favour of Mr. Mustaq P. Shroff.

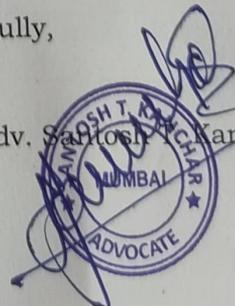
I have examined the title deeds relating to flat no. 803 which is freehold & Record of Rights for last 30 year (Original online search fee receipt No MH007176275202425U of Rs. 750 dated 23/08/2024 is annexed herewith). Therefore on the basis of search made by me and the documents placed before me, I certify that **Suman Anil Sharma (Proposed Borrowers)** have an absolute, clear and marketable title over the said property above shown **subject to No dues certificate of HDB FINANCIAL SERVICES LTD in favour of Mr. Mustaq P. Shroff.** Further, I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrower / mortgagor and that if the said equitable mortgage by deposit of title deeds created in the manner required by law, it will satisfy the requirements of creation of equitable mortgage.

Yours Faithfully,

Place : Mumbai

Date : 23/08/2024.

(Adv. Saanish T. Anchar)





CHALLAN
MTR Form Number-6



GRN	MH007176275202425U	BARCODE					Date	23/08/2024-13:25:46	Form ID	
Department	Inspector General Of Registration			Payer Details						
Type of Payment	Search Fee Other Items			TAX ID / TAN (If Any)						
				PAN No.(If Applicable)						
Office Name	BDR15_JT SUB REGISTRAR ANDHERI 4			Full Name		santosh tukaram kanchar				
Location	MUMBAI			Flat/Block No.						
Year	2024-2025 From 01/04/2024 To 31/03/2025			Premises/Building						
Account Head Details			Amount In Rs.	Road/Street						
0030072201 SEARCH FEE			750.00	Area/Locality		Mumbai Suburban				
				Town/City/District						
				PIN		4 0 0 0 7 8				
				Remarks (If Any)						
				1994-2024 Flat No. 803 CTS No. 1338-A Verssova Mumbai						
				Amount In		Seven Hundred Fifty Rupees Only				
Total			750.00	Words						
Payment Details			STATE BANK OF INDIA			FOR USE IN RECEIVING BANK				
Cheque-DD Details			Bank CIN	Ref. No.	00040572024082334295	CPAEDHGWB4				
Cheque/DD No.			Bank Date	RBI Date	23/08/2024-13:24:26	Not Verified with RBI				
Name of Bank			Bank-Branch		STATE BANK OF INDIA					
Name of Branch			Scroll No. , Date		Not Verified with Scroll					

Department ID :

Mobile No. : 9892769253

NOTE:- This challan is valid for reason mentioned in Type of payment only. Not valid for other reasons or unregistered document

सदर चलन "टाइप ऑफ पेमेंट" मध्ये नमुद कारणासाठीच लागू आहे. इतर कारणासाठी किंवा नोंदणी न करावयाच्या दस्तांसाठी लागू नाही.

GAJENDRA A WAGHMARE
SEARCH CLERK

House No.3677, Patil Chawl, Bhaskar Nagar, Ambernath(West)
Contact No.8856986800 Email ID : gajendrawaghmare1433@gmail.com

Date: 12.08.2024

To,

Santosh T Kanchar,

Advocate,

Mumbai.

SEARCH REPORT

Subject :: Residential flat no. 803, on 8th floor adm. 470 sq. ft built up area in Wing E of Juhu Abhishek CHS Ltd lying on land being Survey no. 156, CTS No. 1338-A, 1338-B, 1338-C, 1377-A, 1377-B lying at village-Versova, Taluka Borivali, Dist-Bombay Suburban (Hereinafter referred to as the said Property).

Holder Name :Mustaq P. Shroff.

Dear Sir,

Following is the details of Search taken at **S.R.O. Mumbai Andheri**Sub-Registrar's office from years 1994 to 2024(30 Years).

Computerized Records At Mumbai Office Nos. Andheri 1 to 7) from 1994 to 2024 (30 Years) :

Years	Transaction
1994	Nil.
1995	Nil.
1996	Nil.
1997	Nil.
1998	Nil.
1999	Nil.
2000	Nil.

2001	Nil.
2002	Nil.
2003	Nil
2004	Transaction
2005	Nil.
2006	Nil.
2007	Nil
2008	Nil
2009	Nil
2010	Nil.
2011	Nil.
2012	Nil.
2013	Nil.
2014	Nil
2015	Nil
2016	Transaction
2017	Transaction
2018	Nil.
2019	Nil
2020	Nil
2021	Transaction
2022	Nil
2023	Nil.
2024	Nil.

IN THE YEAR 2004:

1) Nature of Document: Agreement for sale

A. V. Rs.1800000 /-

M. V. Rs.2532500 /-

SCHEDULE: Flat no. 803, 8th Floor, E Wing, Abhishek Apartment, Stealth Parking No. 1
area 10.40 sq.meters

M/s. Omprakash & Co. Atho of By Signatory Manish Kukreja Attorney Manoj S Jain.

To,

Mushtaq P Shroff.

Execution Date : 06/08/2008

Index on : 13/08/2008

Document Sr. No. : Andheri-2/4572/20042008

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IN THE YEAR 2016:

1) Nature of Document: Notice of Intimation

A. V. Rs.7586000/-

M. V. Rs. 0 /-

SCHEDULE: E WING ABHISHEK APARTMENT CHSL, Flat No:803&E WING ABHISHEK
APARTMENT CHSL, Flat No:804

MUSTAQ P SHROFF.

To,

HDB FINANCIAL SERVICES LTD

Execution Date : 31/05/2016

Index on : 27/06/2016

Document Sr. No. : Andheri/3/ 1470/2016

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IN THE YEAR 2017:

1) Nature of Document: Notice of Intimation

A. V. Rs.25000000/-

l

M. V. Rs.0 /-

SCHEDULE:E WING ABHISHEK APARTMENT CHSL, Flat No:803&E WING ABHISHEK
APARTMENT CHSL, Flat No:804

MUSTAQ P SHROFF.

To,
HDB FINANCIAL SERVICES LTD

Execution Date : 15/02/2017
Index on : 27/02/2017
Document Sr. No. : Andheri/4/283/2017

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IN THE YEAR 2017:

1) Nature of Document:Notice of Intimation

A. V. Rs.35000000 /-

M. V. Rs. 0 /-

SCHEDULE:E WING ABHISHEK APARTMENT CHSL, Flat No:803&E WING ABHISHEK
APARTMENT CHSL, Flat No:804

MUSTAQ P SHROFF.

To,
HDB FINANCIAL SERVICES LTD

Execution Date : 31/07/2017
Index on : 21/08/2017
Document Sr. No. : Andheri/4/ 1283/2017

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IN THE YEAR 2021:

1) Nature of Document:Deed of Conveyance

A. V. Rs.0 /-

M. V. Rs.1 /-

SCHEDULE: Survey No. 156 CTS No. 1338/A, 1338/B, 1338/C, 1377/A, 1377/B
Mauje Versova to Andheri of description 14274.80 Sq.m Layout CTS No. 1338/A



Part of land of description 1124.02 sq.m. and the building of the said institution thereon Juhu Abhishek CHS Ltd JuhuVersova Road Andheri West Mumbai 400053.

Mr. K. P. Jable District Deputy Registrar Sahakari Sanstha Mumbai City 3 & Competent Authority.

To,
Juhu Abhishek CHS Ltd

Execution Date : 27/10/2021

Index on : 07/12/2021

Document Sr. No. : Andheri/1/15814/2021

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Thanking You,

Yours Truly

(Gajendra Waghmare)

Search Clerk