

**NANDAN KAMAT HELEKAR**  
L.L.M

ADVOCATE

523, Gera Grand, EDC Complex,  
Patto- Panaji Goa

Mobile: - 8888831925

**CERTIFICATE OF TITLE**

**I DESCRIPTION OF THE SAID PROPERTY:**

All that landed property known as "GINA DE CASA" or "GORGINA" also known as "PIMPALWADO" situated within the area of Village Panchayat of Nagoa, Taluka and Sub-District of Salcete, District of South Goa and State of Goa, which is not described in the land Registration office but enrolled in the Land Revenue office under Matriz No 430 and 451 and surveyed under No 13/3 of Village Nagoa, Taluka Salcete which property totally admeasures about 8125 square meters and in the Said Property there exist building structure consisting of Ground plus two storied building the Said Property along with the said building shall hereinafter be referred to as the SAID PROPERTY. The SAID PROPERTY is bounded as under:-



On the North: By property surveyed under No 13/2

On the South: By Property surveyed under No 13/4

On the East: By Property surveyed under No 13/1

On the West: By 6 meters public road.

## **II DESCRIPTION OF DOCUMENTS SCRUTINIZED**

I have examined the following documents which are valid as per the prevailing laws.

1. Inventory Proceedings No 2624/1962
2. Deed of Sale dated 19.4.1995
3. Deed of Sale dated 12.9.2006
4. Deed of Sale dated 16<sup>th</sup> November 2016
5. Deed of Sale dated 18<sup>th</sup> April 2023
6. Form I & X1V of Survey No 13/3 of Village Nagao
7. Letter dated: 30/09/2016 and letter dated 7/10/2016

## **III OFFICE SEARCHES:-**

I have given required searches in the office of the Sub-Registrar of Salcette, Land Survey Office, Archeological Department and Office of the Mamlatdar.



#### **IV FLOW OF TITLE**

The property whose title verification is asked for is a Property admeasuring 8125 sq mtrs and in the Said Property there exist building structure consisting of Ground plus two storied building which property is known as "GINA DE CASA" also known as "GORGINA" also known as "PINPALWADO" which is not described in the land Registration office but enrolled in the Land Revenue office under Matriz No 430 and 451 situated in the Village of Nagoa, Taluka of Salcette, District South Goa and is surveyed under Survey No 13/3 of Village Nagao and is lying within the jurisdiction of Village Panchayat of Nagoa.

I have gone through the title documents of the subject property. The documents reveal that the SAID PROPERTY originally belonged to Joao dos Remedios Pereira and his wife Maria Miquelina Melo e Castro on whose death Inventory Proceedings No 2624/1962 with addendum took place and the SAID PROPERTY was listed under item No 29 and was allotted to their son Mr Francisco de Melo e Castro Pereira and his wife Mrs Mariana Etelvina Luz Vaz de Castro Pereira.

Vide Deed of Sale dated 19.4.1995 registered in the office of the Sub-Registrar of Mormugao under No 217 at pages 143 to 163 of Book No I Volume 142 dated 26.4.1995 the said Francisco de Melo e Castro Pereira alias Francisco Xavier Da Piedade De Castro Pereira and his wife Mariana Etelvina Luz Vaz de Castro Pereira conveyed and sold the SAID PROPERTY to M/s Menezes Fernandes Enterprises.

Subsequently M/s Menezes Fernandes Enterprises sold the SAID PROPERTY to M/s Bharati Industrial Services Pvt Ltd vide Deed of Sale dated 12.9.2006 registered before the Sub-Registrar of Salcette at Margao Goa under No 4162 at pages 186 to 210, Book No 1, Volume No 2156 dated 27.9.2006.

M/s Bharati Industrial Services Pvt Ltd constructed ground plus two storied building in the SAID PROPERTY upon obtaining Technical Sanction/Approval from the Town Planner, Town and Country Planning Department Margao, under reference No TPM/CONST/MARGAO/13/3/07/4530 dated 18.12.2007 so also the Construction permission issued by the Village Panchayat of



Nagoa vide Construction Permission No 162/VP/NAG-SAL/07-08/115 dated 24.4.2007 and Construction license No 191/VP-NAG-SAL/07-08/2078 dated 19.2.2008 for the Construction of Ground plus two storied building. The Construction of the said building was completed and upon issuance of the completion Certificate by the Town Planner, Office of the Senior Town Planner, Town and Country Planning Department, South Goa District Margao Goa under reference No TPM/CONST/Nag/13/3/09/858 dated 27.2.2009, the Village Panchayat of Nagoa issued the Occupancy Certificate to the Said building vide Occupancy Certificate reference No VP/Nag-Sal/2009-10/300 dated 10.8.2009.

M/s Bharati Industrial Services Pvt Ltd was adjudged as defaulter under the provisions of the Employee Provident Fund and Miscellaneous Provision Act 1952 (in short EPF&MP ACT - 1952) and based on the inquiry proceedings conducted under the provisions of Employees Provident Funds and Miscellaneous Provision Act 1952 M/s Bharati Industrial



Services Pvt Ltd was called upon to pay the outstanding Provident Fund dues as payable in respect of their establishment M/s Bharati Industrial Services Pvt. Ltd by the office of the Employees Provident Fund Organization (in short EPFO) having their office at Patto Panaji Goa.

Since M/s Bharati Industrial Services Pvt. Ltd had failed to pay the outstanding Provident Fund Dues, the Employees Provident Fund Organization Panaji through their Recovery Officer attached the SAID PROPERTY of the establishment M/s Bharati Industrial Service Pvt. Ltd vide order dated 18/09/2009 by invoking the provisions of Employees Provident Fund and Miscellaneous Provident Act 1952.

After attachment of the SAID PROPERTY as referred above by the Recovery Officer, EPFO, Patto Panaji Goa the Director of M/s Bharati Industrial Services Pvt. Ltd was detained by the Recovery Officer, Employees Provident Fund Organization, Patto Panaji Goa for non Payment of the outstanding Provident





Fund Dues as assessed under the Provisions of the EPF & MP Act 1952 by detention order dated 14/12/2009.

The said detention order dated 14/12/2009 under reference No. NO/GOA/PF/RO/ENF/AC/REC/11026/1278 was challenged before the Hon'ble High Court at Panaji in writ Petition No. 157/2010. It is in the said Writ petition it was contended that the SAID PROPERTY was also mortgaged to Corporation Bank Velsao Branch and that difficulty would crop up in recovering the outstanding Provident Fund Dues by selling the SAID PROPERTY and this had prompted the Recovery Officer to issue the detention order.

The Hon'ble High Court upon considering the Provisions of Section 11(2) EPF &MP Act 1952 and in consideration of the settled law by order dated 9/03/2010 disposed of the said Writ Petition observing that irrespective of whether the property of the establishment is mortgaged to any other institute or any other person any dues under the EPF & MP ACT 1952 shall

constitute first charge on the SAID PROPERTY. Further the Hon'ble High Court in the said order also observed that it is open to the Regional Provident Fund Commissioner and the Recovery Officer to attach and sell the SAID PROPERTY or any other property of the employer establishment and to take such steps for recovery of the dues.

The SAID PROPERTY was also Mortgaged to the Corporation Bank, Velsao Branch however on account of the settled law of prior charge of Employees Provident Fund Organization to recover the dues from the SAID PROPERTY the said Corporation bank had sought permission from Employees Provident Fund Organization, Panaji to sell the SAID PROPERTY acknowledging the first charge of the Employees Provident Fund organization and permission was granted by the Regional Provident Fund Commissioner - II subject to prior clearance of the dues of the Employees provident Fund Organization. However Corporation Bank could not sell the SAID PROPERTY under the permission and direction of the Regional Provident Fund Commissioner.





The Office of the EPFO, Patto had also conducted the auctions to sell the SAID PROPERTY by open auction on three occasions however the auctions conducted resulted in to failure and on account of the same the outstanding PF dues amount could not be cleared.

M/s Bharati Industrial Services Pvt Ltd approached the office of the Employees Provident Fund Organization, Patto Panaji Goa with a request letter authorizing M/s Bharati Industrial Services Pvt Ltd to take steps to sell the SAID PROPERTY under the authority of the office of the Employees Provident Fund Organization. One Mr Faram Dara Patel showed his intention to purchase the SAID PROPERTY along with existing building in the SAID PROPERTY and the letter of intention was addressed to the office of the Employees Provident Fund Organization showing his intention to purchase the said property for the total consideration of Rs. 2,43,77,383/-(Rupees Two Crore Forty Three Lakhs Seventy Seven Thousand Three Hundred and Eighty Three Only)



Upon consideration the permission as requested above by M/s Bharati Industrial Services Pvt Ltd and based on the letter of intention issued by Mr Faram Dara Patel the regional Provident Fund Commissioner/ Recovery Officer by letter dated: 23/09/2016 under reference No. GOA/PF/RO/RECOVERY/170/2016 permitted Bharati Industrial Services Pvt Ltd to sell the SAID PROPERTY within two months from the date of issue of the aforementioned letter dated 23/09/2016.

Mr Faram Dara Patel by his letter dated 29/09/2016 sought clarification of the legal position of the office of the Employees Provident Fund Organization, Goa permitting to sell the SAID PROPERTY and also about his right to purchase the SAID PROPERTY on account of the corresponding charge of the Corporation Bank, Velsao Branch under mortgage vis a vis the attachment of the SAID PROPERTY by the Regional Provident Fund organization.





By letter dated: 30/09/2016 the office of the Regional Provident Fund Organization intimated Mr Faram Dara Patel that the Provident Fund dues are having prior charge over the assets of the establishment in view of provisions of section 11(2) of the EPF&MP Act 1952 and considering the decision of the Hon'ble High Court in Writ Petition No. 157/2010 the office of the Regional Provident Fund Commissioner is permitted to sell the SAID PROPERTY. That the Regional Provident Fund Office conducted the auction to sell the SAID PROPERTY to recover the outstanding dues however the said public auctions resulted in failure and therefore in order to recover the outstanding PF dues pending since the time of attachment of the property in the years 2009 the Provident Fund Office is free to sell the SAID PROPERTY so as to recover the outstanding provident fund dues since long.

Upon clearance of the legal position by letter dated 30/09/2016 Mr Faram Dara Patel approached M/s Bharati Industrial Services Pvt Ltd in view of letter dated 23/09/2016 of the regional

Provident Fund Commissioner – II to sell unto him the SAID PROPERTY along with the building of ground plus two floor structure with six flats and which property is surveyed under survey No. 13/3 of Village Nagoa.

Upon consideration of the entire matter the Corporation bank Velsao Branch through their Manager issued a letter under reference No. OR/VEL/060/2016-17 dated 7/10/2016 intimating M/s Bharati Industrial Services Pvt Ltd that the said Corporation Bank has no further claim of whatsoever nature as against the M/s Bharati Industrial Services Pvt Ltd in respect of the SAID PROPERTY as also no liability in respect of their Account No. TLS/01/800001.

Upon payment of the entire Consideration amount Rs. 2,43,77,383/-(Rupees Two Crore Forty Three Lakhs Seventy Seven Thousand Three Hundred and Eighty Three Only) adjusted as the remittance towards the outstanding Provident Fund dues M/s Bharati Industrial Services Pvt Ltd sold the SAID



PROPERTY to Mr Faram Dara Patel vide Deed of Sale dated 16<sup>th</sup> November 2016 which is duly registered in the office of the Sub-Registrar of Salcette at Margao under No MGO-BK1-05286-2016 CD NO MGO97 dated 18.11.2016.

Further vide Deed of Sale dated 18<sup>th</sup> April 2023 Faram Dara Patel and his wife Mrs Monita Faram Patel sold the SAID PROPERTY to M/s Pryto Private Ltd which is duly registered in the office of the Sub-Registrar of Salcete at Margao under No MGO-1-1684-2023 Book 1 dated 20.4.2023.

#### **V PROJECT CONSTRUCTION:**

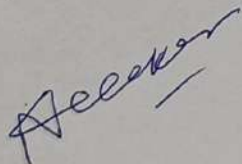
M/s Pryto Private Ltd has floated a residential cum Commercial Project Known as **"SANTA CRUZ RESIDENCY"** on a carved out plot admeasuring 5953 sq mtrs from the SAID PROPERTY and for that purpose has relied on the requisite permissions obtained from the competent Authorities.



- i) Conversion Sanad issued by the office of the Collector, South Goa vide No CCSAL11-22-209/228 dated 16.01.2023, CAD2SAL05-23-122/167 dated 28.7.2023 and CCSA;06-23-147/298 dated 20.10.2023
- ii) Technical Clearance Order issued by the Office of the Senior Town Planner, Town and Country Planning Department, South Goa vide No 17253/Const/ Nagoa/13/3/2023/3777 dated 07.07.2023
- iii) Construction licence No 390/VP/NAG-SAL/2024-2025/174 dated 22.5.2024 issued by Village Panchayat of Nagao

**VI. OPINION:-**

Based upon the documents produced and Scrutinized and the searches conducted, in my opinion M/s Pryto Private Ltd can be said to have a clear, clean legal and marketable title to the SAID PROPERTY as well as to the Said Plot admeasuring 5953 sq mtrs carved out from the SAID PROPERTY.



Nandan Kamat Helekar  
Advocate  
30.5.2024