

# RAJKUMAR N. NAIK

B. Com. LL.B.

ADVOCATE & NOTARY

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## LEGAL SCRUTINY REPORT FOR PROJECT "AMAN'S JATAYU", situated at Mestawada

To

The Branch manager,  
Allahabad Bank,  
Vasco da Gama, Goa.

Sir,

With reference to letter No. NIL dated NIL in respect of above , I submit my legal scrutiny report for project AMAN'S JATAYU, situated at Mestawada, Vasco da Gama, Goa as hereunder.

1. Name and address of Mortgagor : M/s Aman Builders & Developers
2. Details/description of documents Scrutinized.

Sl. No.	Date of Document	Type of document	Whether original/certificate/true copy/photo copy examined	Details of registration with sub Registrar
1.		Translation of Book of Land Description no. 29670 of Book B number 76 of new series	Certified copy	
2.		Matriz Certificate No.828	Certified copy	Sub-Registrar of Mormugao
3.	28.06.1954	Deed of Purchase and Sale with Quittance dated 28.06.1954	Certified copy	
4.	23-10-2010	Translation of Book of Land Description and marginal notings No. 39583 duly translated and certified by Advocate and Notary Mr. Wilfred A.F. Boadita duly registered under no.	Certified copy	



		14415/2010 dated 23-10-2010		
5.	20-09-2013	Agreement for Sale dated 20-09-2013, registered before Sub-registrar of Mormugao under registration no.MOR-BK1-01439-2013, CD Number MORD1, Date 01-10-2013	Original	Sub-Registrar of Mormugao
6.	20-01-2014	Deed of Sale dated 20-01-2014, registered before Sub-registrar of Mormugao under registration no.MOR-BK1-00134-2014, CD Number MORD3, Date 21-01-2014	Original	Sub-Registrar of Mormugao
7.	10-02-2016	Sanad no. AC-I/MOR/SG/CONV/84/2015/1682 dated 10-02-2016 issued by Office of the Collector, South Goa District	Original	Office of the Collector, South Goa District
8.		Form I & XIV Survey under Chalta no. 28 of PT Sheet No. 119 of Vasco City	Original	
9.	05-04-2016	Development Permission no. MPDA/1-J-36/2016-17/20 dated 05-04-2016 issued by Mormugao Planning and Development Authority, Vasco da Gama, Goa.	Original	Mormugao Planning and Development Authority, Vasco da Gama, Goa
10.	15-04-2016	Construction Licence no. 02/2016 dated 15-04-2016 issued by Mormugao Municipal Council.	Original	Mormugao Municipal Council.
11.		Approved Plan of the building.	Original	Mormugao Municipal Council
12.	13-04-2016	NOC from Public Works Department ref no. AE-II/WDXXII/F43/27/16-17 dated 13-04-2016	Original	Public Works Department
13.	20-04-2016	NOC from Urban Health Centre ref no. UHCV/NOC/16-17/84 dated 20-04-2016	Original	Urban Health Centre
14.	13-04-2016	NOC from Electricity Department ref no. AE/VSG O & M/SD-I(U)/Tech-33/55 dated 13-04-2016.	Original	Electricity Department



3. Details of Property

SCHEDULE

All that Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No.828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1496.00 (One Thousand Four Hundred Ninety Six) square meters.

4.a- brief history of the property and how the owner/mortgagor has derived title for the period of 30 years.

In the Inscription of Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No.828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1496.00 (One Thousand Four Hundred Ninety Six) square meters and Inscribed under no. 45615 in favor of Bhanudas Shantaram Redkar.

That Vide Deed of Purchase and Sale with Quittance dated 28.06.1954 Mr. Bhanudas Shantaram Redcar alias Bhanudas Redkar purchased the Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No.828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1496.00 (One Thousand Four Hundred Ninety Six) square meters and Inscribed under no. 45615 from Mr. Mohan Bandekar and his wife Mrs. Mradulabai Manmohan Bandekar.

That Vide Agreement for Sale dated 20-09-2013, registered before Sub-registrar of Mormugao under registration no. MOR-BK1-01439-2013, CD Number MORD1, Date 01-10-2013 Aman Builders agreed to



purchase the Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No.828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1496.00 (One Thousand Four Hundred Ninety Six) square meters from Mr. Bhanudas Shantaram Redcar alias Bhanudas Redkar .

That vide Deed of Sale dated 20-01-2014, registered before Sub-registrar of Mormugao under registration no.MOR-BK1-00134-2014, CD Number MORD3, Date 21-01-2014 Aman Builders purchased the Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No.828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1,496.00 (One Thousand Four Hundred Ninety Six) square meters from Bhanudas Shantaram Redcar alias Bhanudas Redkar.

Thus Aman Builders & Developers became absolute Owner of the Property "MUXELEM' or 'MUCHILEM' or 'LOTE NUMBER 933' situated at Mestawada, Vasco da Gama, Goa" described at the 'Conservatoria do Registo Predial' of the Comarca of Salcete under no. 29670 of Book B number 76 of new series and enrolled in the Taluka Revenue Office of Mormugao Under Matriz No. 828 surveyed under Chalta No. 28 of P.T. Sheet No. 119 of Vasco City totally admeasuring an area of 1496.00 (One Thousand Four Hundred Ninety Six) square meters.

Aman Builders & Developers obtained Development Permission no. MPDA/1-J-36/2016-17/20 dated 05-04-2016 issued by Mormugao Planning and Development Authority, Vasco da Gama, Goa. Also obtained Construction Licence no. 02/2016 dated 15-04-2016 issued by Mormugao Municipal Council for the project Aman's Jatayu.

Aman Builders & Developers obtained NOC from Public Works Department ref no. AE-II/WDXXI/F43/27/16-17 dated 13-04-2016, NOC from Urban Health Centre ref no. UHCV/NOC/16-17/84 dated 20-04-2016 and NOC from Electricity Department ref no. AE/VSG O & M/SD-I(U)/Tech-33/55 dated 13-04-2016.



5.	Details of visit to sub registrar for inspection of Title Deeds/Land records under reference I visited the office of Sub Registrar for inspection of the title deeds/land records.	-01-2018
4.1 (a)	The persons who is/are the present owners of the properties. Whether the property is mutated in the name of the present owner with Municipal/Revenue/Authorities? If so, whether authenticated Mutation Certificate has been produced.	M/s Aman Builders & Developers.
5.1(b)	Whether search has been made in the Municipality/Gram Sabha/Panchayat etc. if so, the details thereof should be mentioned.	Yes
5.2	Whether the party has absolute clear and marketable title over the property/ies proposed to be mortgage and can create a valid charge/mortgage the property.	Yes
5.3(a)	1) what is the nature of title of owner? Occupancy right, possessor right, minor's right or any type of right? Clarify. 2) If the property is tenanted, give details of such tenancy alongwith name of the tenants.	Sole Owner  Property is not tenanted.
5.3(b)	Leasehold immovable property.(where the land/building(s) is/are leasehold please verify the terms of the lease(s) the name and address(es) of the lease(s) and the name and address(es) of the lessor(s) and the lessee(s)	Not applicable
5.4	Where there is any restriction/prohibition under personal law of the owner/mortgagor to hold then property under the title deed through which he has derived the title.	No
5.5	Whether the latest title deed and the chain of previous title deeds are available in originals.	Yes
5.6	Whether building tax/land revenue has been paid up-to-date(give details of last payment receipts).	Yes
5.7	Whether any dues recoverable as land revenue are outstanding	No
5.8(a)	As per the latest Revenue recodes whether the land is earmarked/classified for use as Agriculture/Residential/industrial/commercial	No
5.8(b)	Whether conversation of land is necessary for creation of mortgage?	No
5.9	In case the facility is sought for construction purpose, whether the land has been converted under the land revenue/conversion law, rules? If not, give reasons	Sanad property
5.10	Whether the land is affected by any revenue and tenancy legislation? If so, how and to what extent and the remedy if any.	No



5.11	Whether the permission under the Urban Land (Ceiling and Regulation) Act,1976 is necessary or not	Not applicable
5.12	is there any other special enactment like Land Acquisition Act and other state Act and other state Legislation, the provision of which is applicable for the property and affecting the title?	No
5.13(a)	Is the property free from all types of encumbrances?	Yes as per nil encumbrance Certificate no. 641 of 2017 dated 29-06-2017.
5.13(b)	Please give detailed account of creation of charge or redemption for a minimum period of 13 years and also state the subsisting charge, if any mentioned in the encumbrance certificate for the last 13 years	Not applicable as the said property is free from encumbrance as per nil encumbrance Certificate no. 641 of 2017 dated 29-06-2017.
5.14	Whether the proposed equitable mortgage by deposit of title deeds is possible? If so, what are the documents to be deposited? If deposit is not possible can there be a simple mortgage or by a registered memorandum or by any other mode of mortgage.	Yes. Agreement for Sale followed by Deed of Sale with prospective Purchasers of the flats.
5.15(a)	Whether the property is freehold or/self occupied or tenanted? If tenanted whether the property can be taken as mortgage and what precaution are to be taken in that respect?	freehold
5.15(b)	Whether the Borrower/Guarantor/Mortgagor is the exclusive owner of the property or there are joint owner?	Exclusive Owner
5.16	If owner is Company, Partnership firm, Trust, Temple, or other legal partnership firm trust, temple, or other legal person. How title is affected by its Memorandum and Articles of Association, Partnership Deed, Trust Deed, of Rules or bye laws and what are the particulars to be taken under rules or bye laws.	Not applicable as the Owner is a Proprietor.
5.17	If property to be mortgage is flat/apartment in residential or commercial complex, how far independent tile is ensured and how the enjoyment of common area and facilities are ensured to the flat owner (mortgagor) what are the document of title available for creating mortgage? Documents/records to be taken from builders owners their bankers.	Agreement for Sale followed by Deed of Sale.



5.18	Flats owned/controlled by societies special requirements to be, if society refuses to note bank loan/interest.	Not Applicable
5.19	Please state the names of the persons who should join the creation of charge/mortgage of the property either by deposit of title deed or by registered mortgage etc.	Prospective Purchasers of the respective flats.
5.20	Any additional documents are required to be taken	NOC from the Builder
5.21(a)	Whether the property has exclusive and independent status.	Yes
5.21(b)	Whether the property is accessible to road?	Yes
5.22	Whether the property can be identified from the schedule of title document	yes
5.23	Whether the property is demarcated and site plan is available.	Yes
5.24	Whether permission of any authority is required under State Laws or permission of any person is necessary for creation of mortgage/transfer of property.	No
5.25(a)	Whether the property is acceptable for creation of mortgage in the light of applicable state laws.	Yes
5.25(b)	Whether any precaution is required to create the mortgage as per the legal authority for creation of such mortgage	No
5.27	Whether any resolution for creation of mortgage is necessary, if so, give details.	No
5.28(a)	Whether permission of any authority or any formality is required to be observed for transfer of the property?	No
5.28(b)	Whether SARFEAESI Act is applicable to the land?	Yes
6	Investigation under Income Tax Act, 1961:-	Not applicable
7.	Search in respect of Companies registered under the Companies Act.	Not applicable
8	Investigation in regard to Agricultural Land.	Not applicable
8(a)	Whether land is surplus. If so, give specific details	No
8(b)	Whether the land is under self cultivation	No
8(C)	is the land is owned in different Khatas/Khasaras or is under joint share give specific shares in each Khata/Khasara.	No
8.(d)	If consolidation of holdings/acquisition proceedings etc. is in progress in the area. Whether transfer of land is possible under State of enactment.	No
8.(e)	Whether any prior/hidden charge exists against the land. Non-Encumbrance should be for a period of 12 years preceding the date of this non-encumbrance certificate.	No
8.(f)	Whether mutation has been completed in case of existing charge/pending charge.	Yes



8.(g)	Inspection of land on the spot in regard to quality of land in order to enable the bank to determine its value.	No
8.(h)	Whether any Government loan/Taccavis/Co-op. Loan etc have been raised against the land details about the charge/encumbrances may be specified.	No
9	Whether any litigation is pending before any court of law/forum in respect of the property.	No
10	Whether non-encumbrance certificate in respect of the property is available from the concerned Registrar of Assurances.	yes

### CERTIFICATE

I have gone through the original title deeds and other papers/ documents intended to be deposited and offered as security by way of equitable mortgage:

It is certified that I have made a search of Sub-Registrar's from the date of first document of the title. It is also certified that the title deeds under reference were found registered with the concerned Sub-Registrar as per detail above at Serial No.2. My under noted report/search on the above property documents is based on that search.

I certify that:

1. The documents of title referred to above are perfect evidence of title.
2. Chain of title deeds is original, genuine and completed.
3. These title deeds are duly registered with the respective Sub-Registrar.
4. Stamp papers used in all the title deeds are genuine.
5. Owners of the property have not executed any registered power of Attorney in favour of any body in respect of any property.
6. There are no prior mortgages/charges whatsoever as found during my above referred search at the Sub-Registrar office.
7. If the said documents are deposited and equitable mortgage is created in favour of Bank in the manner required by law, it will satisfy the requirement of creation of equitable mortgage.
8. There is no claim for minor's and his interest in properties.
9. There is no undivided share of minor in the said property.
10. No provisions as to subject of payment on property.
11. (a) Provisions of urban Land (Ceiling and Regulation) Act are not applicable.





12. (b) Income Tax Clearance-not required.

13. No holding acquisition is in accordance with the provision of the land reforms.

14. The Mortgage if created will be perfect and available to the bank for enforcement against the liability of the intending borrowers.

15. The proposed purchaser of the flats/apartments can execute Equitable mortgage in favour of the bank.

I certify that said project of M/s Aman Builders and Developers is perfect and all the approvals are duly approved by the competent Authorities for multistoried constructions and the Bank can approve the project and give loans to prospective purchasers on furnishing Original Agreement for Sale duly executed before the Sub-Registrar of Mormugao by paying a stamp duty per 2.9 % of the declared value on the Agreement for sale or as per Government declared stamp duty.

It is also certified that for the purpose of equitable mortgage following documents are required to be taken by bank.

The branch shall collect the documents from borrower for granting loan as per detail given herein below.

1. Original- Agreement for sale duly registered before Sub-Registrar of Mormugao between M/s Aman Builders & Developers and the prospective Purchasers.

2. Original- proposed Deed of Sale duly registered before Sub-Registrar of Mormugao between between M/s Aman Builders & Developers and the prospective Purchasers as and when registered OR in case Co-operative Housing Society is formed than the Share certificate issued by the Society in the name of the proposed Borrower.

Original Deed of Sale

In case the said flat is conveyed to them by a duly executed Sale Deed.

Or

Original Share certificate issued by the Housing Cooperation society:

Since the builder is executing Deed of Sale the share certificate is not applicable .



Place: Vasco da Gama, Goa.

Date: 06-02-2018

Adv. Rajkumar Naik