

# DAGNY FERNANDES

Advocate

Off: Shop no. 24, Anand Trade Centre, Near Mormugao Municipal Council, Vasco da Gama.

Res: Sasmollem, Baina, Vasco-da-Gama, Goa 403802

Mb. No. 7588443575

29<sup>th</sup> August, 2019

## LEGAL SCRUTINY REPORT

### Details of Property:

All that amalgamated rustic, immovable property known as 'Arecal Condoi' or 'Gina' situated in Ward No. 10 within the limits of the Mormugao Municipal Council at Sasmollem, Baina, taluka and sub-district of Mormugao enrolled in the Taluka Revenue Office under Matriz predial no.1646 and surveyed under Chalta No. 169-A of P.T Sheet No. 171 and Chalta No. 171 of P.T. Sheet No. 171 of Vasco-da-Gama, admeasuring an area of 2500 sq mts and 410 sq mts respectively and a combined area of 2910 sq mts.

| Sr. No. | Particulars   | Remarks        |
|---------|---|----------------|
| 1.      | Nature of Title<br>(Ownership/ Leasehold/ Occupancy/ govt. grant/<br>Allotments, etc.)  | Ownership      |
| 2.      | If leasehold, whether   | Not Applicable |
|         | a. Lease deed is duly stamped and   |                |
|         | b. Registered   |                |
|         | c. Lessee is permitted to mortgage the Leasehold<br>right   |                |
|         | d. Duration of the Lease/ unexpired period of lease   |                |
|         | e. If a sub-lease, check the Lease deed in favour of<br>Lessee as to whether the Lease Deed permits<br>sub-leasing and mortgage by sub-lease also |                |



|    |  |                |
|----|--|----------------|
| 3. | If Govt grant/ allotment/ Lease-cum-sale agreement, whether:   | Not applicable |
|    | 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  |                |
| 4. | If occupancy right, whether  |                |
|    | a. Such right is heritable and transferable  | Yes            |
|    | b. Mortgage can be created   | Yes            |
| 5. | a. Whether provision of Urban Land ceiling Act applicable/ permission obtained   | No             |
|    | b. Whether NOC under Income Tax Act is required/ obtained  | No             |
|    | c. Whether records with the Registrar of Assurances verified (if applicable)   | Yes            |
| 6. | Whether there are claims from minor(s) and their interest on the property(ies). Specify the share of the minor(s) with name  | No             |
| 7. | In case of Agriculture land, the position regarding creation and enforceability with regard to local laws  | Not applicable |
| 8. | In case of conversion of Agriculture land for residential/ commercial purpose, whether requisite procedure/ permissions complied with/ obtained                      | Not applicable |
| 9. | a. In case of partition/ settlement deeds, whether original deed is available for deposit. If not, the modality/ procedure to be followed to create a valid mortgage | No             |
|    | b. Whether mutation has been effected and the mortgagor is in possession and enjoyment of his share  | Yes            |

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|----|--|----------------|
| 3. | If Govt grant/ allotment/ Lease-cum-sale agreement, whether:   | Not applicable |
|    | 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  |                |
| 4. | If occupancy right, whether  |                |
|    | a. Such right is heritable and transferable  | Yes            |
|    | b. Mortgage can be created   | Yes            |
| 5. | a. Whether provision of Urban Land ceiling Act applicable/ permission obtained   | No             |
|    | b. Whether NOC under Income Tax Act is required/ obtained  | No             |
|    | c. Whether records with the Registrar of Assurances verified (if applicable)   | Yes            |
| 6. | Whether there are claims from minor(s) and their interest on the property(ies). Specify the share of the minor(s) with name  | No             |
| 7. | In case of Agriculture land, the position regarding creation and enforceability with regard to local laws  | Not applicable |
| 8. | In case of conversion of Agriculture land for residential/ commercial purpose, whether requisite procedure/ permissions complied with/ obtained                      | Not applicable |
| 9. | a. In case of partition/ settlement deeds, whether original deed is available for deposit. If not, the modality/ procedure to be followed to create a valid mortgage | No             |
|    | b. Whether mutation has been effected and the mortgagor is in possession and enjoyment of his share  | Yes            |

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|     |  |  |
|-----|--|--|
|     | c. Whether the partition is valid in law?  | Yes  |
| 10. | a. In case of partnership firm, whether the property belongs to the firm and registered  | Applicable to part surveyed under Chalta No. 171 of P.T. Sheet No. 171 |
|     | b. Whether the person(s) creating the mortgage has/have the authority to execute on behalf of the firm   | Yes  |
| 11. | In case of limited companies, verify the Borrowing Power Resolution, authority to create mortgage/ execution of documents, any prior charges with ROC, MOA/ AOA, provision for common seal etc | Not applicable   |
| 12. | In case of Societies/ Association, verify requisite resolution, bye laws, powers to borrow, encumbrances etc   | Not applicable   |
| 13. | In case of POA holder, verify the genuineness of POA and the extend of powers whether the POA is properly executed/ stamped/ authenticated/ enforceable as per the law of the place            | Yes  |
| 14. | If the property is a flat/ apartment or residential/ commercial complex, verify  |  |
|     | a. Promoter's/ Land owner's title to the land/ building  | Owners in possession of plot   |
|     | b. Whether the property is developed by the Land owner or constructed on Joint Development Basis   | Not applicable   |
|     | c. Development Agreement/ POA  | POA  |
|     | d. Extent of Authority of the Developer/ Builder   | 100%   |


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|--|---|
| e. Whether the construction is approved by the competent authority?  | Yes   |
| f. Independent title verification of the land or building in question  | Not applicable  |
| g. Deed of Sale (duly registered)  | Exchange Deed registered before Sub-Registrar of Mormugao |
| h. Whether it is a second/ subsequent sale?  | No  |
| i. Payment of proper Stamp Duty  | Done  |
| j. Conveyance in favour of the society/ condominium concerned  | Not applicable  |
| k. Occupancy Certificate   | Not applicable  |
| l. Membership details in the society etc.  | Not applicable  |
| m. Share Certificate   | Not applicable  |
| n. NOC from the Society  | Not applicable  |
| o. Latest maintenance charge paid receipt from society   | Not applicable  |
| p. Whether proportionate share in land is transferred to the mortgagor   | Not applicable  |
| q. Documentary evidence possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc  | Not applicable  |
| r. Other legal requiremet under the local/ municipal laws with regards to ownership of flats/ apartments/ building regulations, society law etc. | No  |

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|-----|---|----------------|
| 15. | In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major co-parceners have no objection, joined in execution, rights of female members, minor's share etc. | Not applicable |
| 16. | Genealogical tree is to be drawn up wherever the title has been acquired by succession  | No             |
| 17. | Pending litigation/ court attachment/ injunction/ stay orders/ acquisition by Govt/ local authorities etc., if any  | No             |
| 18. | Any other matters affecting the proposed creation of mortgage not covered elsewhere   | No             |

Place: Vasco da Gama  
Date: 29/8/2019

  
Adv. Dagny Fernandes

**CERTIFICATE**

**Inspection/ Verification of Records of landed property at Registrar/ Sub-Registrar's Office, Mormuga, South Goa, Goa**

Date: 29/08/2019

**TO WHOMSOEVER IT MAY CONCERN**

Sir/Madam,

Sub: **Verification of records of landed property(ies) at Vasco da Gama, Taluka Mormugao, District of South Goa, Goa reg.**

This is to confirm that I have visited the Sub-Registrar's office at Vasco da Gama, Mormugao, South Goa and verified the details of all that residential/ commercial building(s) under construction in the immovable property known as 'Arecal Condoi' or 'Gina' situated in Ward No. 10 within the limits of the Mormugao Municipal Council at Sasmollem, Baina, taluka and sub-district of Mormugao enrolled in the Taluka Revenue Office under Matriz predial no. 1646 and surveyed under Chalta No. 169-A of P.T. Sheet





No. 171 of the city survey of Vasco da Gama, admeasuring an area of 2500 sq mts in the name of **Shri. Apricio Pereira** and property under Chalta No. 171 of P.T. Sheet No. 171 of the city survey of Vasco da Gama, admeasuring an area of 410 sq mts in the ame of **Sancoale Developers** . The said properties together have a combined area of 2910 sq mts.

**The Property details are as under:**

**Schedule-I**

Immovable property 'ARECAL CONDOI' or 'GINA' situated at Baina, Vasco-da-Gama Goa within the limits of Mormugao Municipal Council described in the Land Registration office of Salcete under No. 10926 which is also enrolled in the land revenue office of Mormugao under Matriz no. 1646

**Surveyed Under**

Chalta Nos. 169, 170 and 172 of P.T. Sheet No. 171 and Chalta No. 14 of P.T. Sheet No. 178 in the city survey of Vasco-da-Gama, Goa totally admeasuring 4046 sq.mts. or thereabout

**Boundaries**

|       |   |  |
|-------|---|--|
| North | : | by Nallah & property under Chalta No. 157 of PT Sheet No. 171      |
| South | : | by properties under Chalta No. 23, 24, 25 & 31 of PT Sheet No. 176 |
| West  | : | by properties under Chalta No. 167 & 168 of PT Sheet No. 171       |
| East  | : | by property under Chalta No. 5 of PT Sheet No. 170                 |

**Schedule-II**

All that part of the immovable property 'ARECAL CONDOI' or 'GINA' situated at Baina, Vasco-da-Gama Goa within the limits of Mormugao Municipal Council described in the Land Registration office of Salcete under No. 10926 which is also enrolled in the land revenue office of Mormugao under Matriz no. 1646

**Surveyed Under**

Chalta No. 169-A of P.T. Sheet No. 171 of the city survey of Vasco-da-Gama, Goa admeasuring 2500 sq mts

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**Boundaries**

- North : by Nallah & property under Chalta No. 157 of PT Sheet No. 171  
South : by properties under Chalta No. 23, 24, 25 & 31 of PT Sheet No. 176  
West : by properties under Chalta No. 167 & 168 of PT Sheet No. 171  
East : by property under Chalta No. 5 of PT Sheet No. 170

**Schedule-III**

All that landed property under Chalta No. 171 of PT Sheet No. 171 of the city survey of Vasco-da-Gama, situated in Ward No. 9 described in the inquiry register (Form B) of the office of the Inspector of Survey and Land Records, Vasco in Pg. No. 60 Book No. 13

**Surveyed Under**

Chalta No. 171 of P.T. Sheet No. 171 of the city survey of Vasco-da-Gama, Goa admeasuring 410 sq mts

**Boundaries**

Bounded on all sides by the property surveyed under Chalta No. 169 of P.T. Sheet No. 171

**Further, I certify as under**

That there are no prior charges over the Said Property and Shri. Apricio Pereira and his heirs are the absolute owners of the property surveyed under Chalta No. 169-A of P.T. Sheet No. 171 of the city survey of Vasco da Gama, and M/s Sancoale Developers are the absolute owners of the property surveyed under Chalta No. 171 of P.T. Sheet No. 171 of the city survey of Vasco da Gama.

Place: Vasco da Gama  
Date: 29/8/2019

  
Adv. Dagny Fernandes



LEGAL SCRUTINY REPORTA. DESCRIPTION OF THE DOCUMENTS SCRUTINISED

| Sr. No. | Date of Document | Name of Document   | Whether original/<br>certified/ true<br>copy/ photostat |
|---------|------------------|--|---|
| 1.      | 18/08/2015       | Deed of Exchange between Shri. Leonardo Anselmo Joaquim Rodrigues and his wife Smt. Marcelina P. Rodrigues Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio Pereira, Shri. Vernon Victor Pereira and his wife Smt. Rhea Maria DSouza, Fr. Renvick Roque Pereira and Smt. Ayomi Angelica Pereira alias Ayomi Pereira e Martins and her spouse Shri. Silroy Martins and M/s Sancoale Developers | Photostat   |
| 2.      | 25/10/2013       | Agreement for Exchange cum Development between Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio Pereira, Shri. Renvick Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira and M/s Sancoale Developers  | Photostat   |
| 3.      | 25/10/2013       | Irrevocable Power of Attorney from Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio   | Photostat   |

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|    |            |  |           |
|----|------------|--|-----------|
|    |            | Pereira, Shri. Renvick Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira in favour of M/s Sancoale Developers                      |           |
| 4. | 19/01/1957 | Orphanological Certificate attested by Shri. Alvaro de Castro Fernandes, Escrivao of Juizo do Julgado Municipal Especial of Mormugao | Photostat |
| 5. | 20/06/1995 | Translation of the Escrivao of Juizo do Julgado Municipal Especial of Mormugao by Adv. Albino S. C. Vales                            | Photostat |
| 6. | 05/05/2016 | Divergency Certificate No. 2016/6598/2/5/2845/148 from the Office of the Mamlatdar, Mormugao   | Photostat |
| 7. | 13/10/2018 | Deed of Succession issued by the office of the Civil Registrar cum Sub-Registrar, Mormugao   | Photostat |
| 8. | 30/01/2018 | Sanad No. AC-I/MOR/SG/CONV/03/2017/1431 issued by the Office of the Collector, South Goa District                                    | Photostat |
| 9. | 18/04/2018 | Sanad under File No. 11/DYC-MOR/CONV/03/2018/1138 issued by the Office of the Dy. Collector/ SDO,                                    | Photostat |

*[Handwritten Signature]*

|     |            |   |           |
|-----|------------|---|-----------|
|     |            | Mormugao, Vasco da Gama, Goa  |           |
| 10. | 16/01/2019 | Development Permission bearing Ref. No. MPDA/1-P-252/2018-19/1302 issued by the Mormugao Planning and Development Authority | Photostat |
| 11. | 25/03/2019 | Construction License No. 42/2018 granted by the Mormugao Municipal Council, Vasco da Gama, Goa                              | Photostat |
| 12. |            | Approved Plan   | Photostat |

**B. DESCRIPTION OF PROPERTY/IES**

| Item No. | Survey No.   | Extent of area/s (in sq mts) | Location  | Boundaries   |
|----------|--|------------------------------|---|--|
| 1.       | Chalta Nos. 169, 170 and 172 of P.T. Sheet No. 171 and Chalta No. 14 of P.T. Sheet No. 178 | 4046 sq mts                  | <u>Schedule-I</u><br>Immovable property 'ARECAL CONDOI' or 'GINA' situated at Baina, Vasco-da-Gama Goa within the limits of Mormugao Municipal Council described in the Land Registration office of Salcete | North: by Nallah & property under Chalta No. 157 of PT Sheet No. 171<br>South: by properties under Chalta No. 23, 24, 25 & 31 of PT Sheet No. 176<br>West: by properties under Chalta No. 167 & 168 of PT Sheet No. 171<br>East: by property |

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|    |  |             |  |  |
|----|--|-------------|--|--|
|    |  |             | under No. 10926 which is also enrolled in the land revenue office of Mormugao under Matriz no. 1646  | under Chalta No. 5 of PT Sheet No. 170   |
| 2. | Chalta No. 169-A of P.T. Sheet No. 171 | 2500 sq mts | <p><b>Schedule-II</b></p> <p>All that part of the immovable property 'ARECAL CONDOI' or 'GINA' situated at Balna, Vasco-da-Gama Goa within the limits of Mormugao Municipal Council described in the Land Registration office of Salcete under No. 10926 which is also enrolled in the land revenue office of Mormugao under Matriz no. 1646</p> | <p>North: by Nallah &amp; property under Chalta No. 157 of PT Sheet No. 171</p> <p>South: by properties under Chalta No. 23, 24, 25 &amp; 31 of PT Sheet No. 176</p> <p>West: by properties under Chalta No. 167 &amp; 168 of PT Sheet No. 171</p> <p>East: by property under Chalta No. 5 of PT Sheet No. 170</p> |
| 3. | Chalta No. 171 of P.T.                 | 410 sq mts  | <p><b>Schedule-III</b></p> <p>All that landed</p>  | Bounded on all sides by the  |

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|                  |   |   |
|------------------|---|---|
| Sheet No.<br>171 | property under<br>Chalta No. 171 of<br>PT Sheet No. 171<br>of the city survey<br>of Vasco-da-Gama,<br>situated in Ward<br>No. 9 described in<br>the inquiry register<br>(Form B) of the<br>office of the<br>Inspector of<br>Survey and Land<br>Records, Vasco in<br>Pg. No. 60 Book<br>No. 13 | property surveyed<br>under Chalta No.<br>169 of P.T. Sheet<br>No. 171 |
|------------------|---|---|

### C. TRACING OF PROPERTY

Pursuant to the order of 1<sup>st</sup> February 1954, confirming the partition in Orphanological Inventory proceedings instituted before Juizo do Julgado Municipal Especial of Mormugao upon the death of Roque Francisco de Sa e Pereira from Vasco-da-Gama devolving certain assets of the deceased on the Shri. Apricio Pereira and his subsequent marriage with Lidia Anjinha Perpetua Fatima Furtado e Pereira, who expired on 07/08/2012, the off springs of their marital communion i.e. Shri Renvick Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira became the Joint Owners in possession of all the immovable property surveyed under Chalta No. 169, 170 and 172 of P.T. Sheet No. 171 and Chalta No. 14 of P.T. Sheet No. 178.

In terms of Agreement for Exchange cum Development between between Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio Pereira, Shri. Renvick



Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira and M/s Sancoale Developers, eight double bedroom flats are to be provided to the owners in the residential building to be constructed in the property.

In view of the aforesaid commitments, Shri. Apricio Pereira and his legal heirs approached M/s Sancoale Developers with a request to develop the Larger property. M/s Sancoale Developers, representing the owners, instituted an application for Partition of the Larger Property dated 22/01/2015 in the Court of the Dy. Collector & S.D.O of Mormugao. The said partition was confirmed vide Order dated 10/08/2016 and a new Sub-Division No. 169-A for an area of 2500 sq. mts. was allotted as per the area adjustment statement. After the partition, conversion of the partitioned plot was obtained vide Sanad dated 30/01/2018 bearing No. AC-I/MOR/SG/CONV/03/2017/1431 and the same is valid and subsisting as on date.

As per instrument of Deed of Partition dated 27/07/1978 executed before the Sub-Registrar of Vasco-da-Gama, the estate of the said Shri. Pedro Lourenco Da Conceicao Rodrigues was partitioned and allotted to the Legal heirs and the Smaller Property under Chalta No 171 of PT Sheet No. 171 of City Survey of Vasco-da-Gama, admeasuring 410 sq. mtrs or thereabout which was in the possession and enjoyment of the deceased Shri. Pedro Lourenco Da Conceicao Rodrigues was left out inadvertently from the said Deed of Partition as the said property was a narrow strip surrounded by the property surveyed under Chalta No. 169 of PT Sheet No. 171, presently in the possession of Shri. Apricio Pereira and the same remained inaccessible. Moreover, the survey records also were not available while listing the properties.

Pursuant to the Inventory Proceedings No. 03/2014/C concluded before the Civil Judge Junior Division at Vasco vide the Order delivered on the 24<sup>th</sup> day of February, 2015 in terms of the final Chart of Partition dated 18/02/2015 and having paid requisite owelty money in compliance of the said final chart of partition, Shri. Leonardo A. Rodrigues alias Leonardo Anselmo Joaquim Rodrigues





alias Leonardo Rodrigues, s/o late Shri. Pedro C. Rodrigues was conferred with absolute possession, title and ownership of the said Smaller Property.

Thereafter, vide Exchange Deed dated 18/08/2015 executed before the Sub-Registrar of Assurances, Mormugao, under Registration No. 18 of pages 263 to 275 of Book No. I Volume No. 1572 dated 24/08/2015, Shri. Leonardo Rodrigues transferred the SMALLER PROPERTY in favour of M/s Sancoale Developers, who completed the mutation formalities and obtained Conversion of the Smaller Property into Non-Agricultural use, vide Sanad dated 18/04/2018 bearing File No. 11/DYC-MOR/CONV/03/2018/1138 and the same is valid and subsisting as on date.

Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio Pereira, Shri. Renvick Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira are the parties of the First Part, who entered into an Agreement of Exchange cum Development dated 25/10/2013 executed before Notary Public, Adv. Vidhya A. Shet under Reg. No. 53944/2013 dated 25/10/2013, which shall hereinafter be referred to as the 'Principal Agreement'.

Shri. Apricio de Ascencao de Cristo de Sa Pereira alias Apricio Pereira, Shri. Renvick Pereira, Shri. Vernon Pereira and Ms. Ayomi Pereira have through execution of the Principle Agreement, empowered M/s Sancoale Developers to, inter alia, do all things necessary to develop the Larger Property situated in settlement zone under Chalta No. 169, 170 and 172 of P.T. Sheet No. 171 and Chalta No. 14 of P.T. Sheet No. 178. As the Partitioned plot surveyed under Chalta No. 169-A of P.T. Sheet No. 171 constitutes a part of the Larger Property, the Principle Agreement *ipso facto* empowers M/s Sancoale Developers to do all things necessary to develop the property surveyed under Chalta No. 169-A of P.T. Sheet No. 171, which, amalgamated with the smaller property surveyed under Chalta No. 171 of P.T. Sheet No. 171, totally admeasuring 2910 sq mts shall be hereinafter referred to as the 'Said Plot'.



**D. ABOUT LEGALITY OF CONSTRUCTION:**

**In order to put up construction for the said property, certain conditions have to be fulfilled by the builders.**

1. Construction License No. 42/2018 dated 25/03/2019 has been issued by the Mormugao Municipal Council, Vasco-da-Gama, Goa.
2. Development Permission bearing Ref. No. MPDA/1-P-252/2018-19/1302 has been issued by the Mormugao Planning and Development Authority.
3. Sanad No. AC-I/MOR/SG/CONV/03/ 2017/1431 issued by the Office of the Collector, South Goa District.
4. Sanad under File No. 11/DYC-MOR/ CONV/03/2018/1138 issued by the Office of the Dy. Collector/ SDO, Mormugao, Vasco da Gama, Goa

Thus, the proposed construction of the residential/ commercial building is legal.

**E. EVIDENCE OF POSSESSION**

The documents perused by me show the possession of the property(ies) from 1954 onwards.

**CERTIFICATE TO TITLE:**

**Whether the party has an absolute, clear and marketable title over the property proposed to be mortgaged**

Shri. Apricio Pereira and his heirs are having clean, clear and marketable title over all that residential building(s) being constructed in property surveyed under Chalta No. 169-A of P.T. Sheet No. 171 of the city survey of Vasco da Gama, admeasuring an area of 2500 sq mts.

M/s Sancoale Developers are the absolute owners and have clean, clear and marketable title over all that property surveyed under Chalta No. 171 of P.T.



Sheet No. 171 of the city survey of Vasco da Gama, admeasuring an area of 410 sq mts.

Place: Vasco da Gama  
Date: 29/8/2019

  
Adv. Dagny Fernandes