

TITLE SEARCH REPORT

FOR

TOPLE BUILDERS AND DEVELOPERS
a sole proprietorship of **MRS. LAXMI SUDHAKAR SHINDE**

DRAFTED BY:

Adv. KAPIL KALIDAS VERNEKAR & ASSOCIATES
ADVOCATES & ATTORNEYS (BGL, LL.M.)

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Fort, Mumbai. 400 001.

Dated: 04-09-2023



To

TOPLE BUILDERS AND DEVELOPERS

a sole proprietorship of **MRS. LAXMI SUDHAKAR SHINDE**

Dear Sir,

REFERENCE: Legal Opinion in respect of the all that Property known as "PESVA GOR BHAT", also known as "MABLAZOICHEALEM", admeasuring area of 4488.56 Sq. Meters, surveyed under Survey No. 393/2 of village Raia, situated at village Raia, within the bounds and Jurisdiction of Village Panchayat of Raia, Taluka and Sub-District of Salcete, District of South Goa, State of Goa.

PRESENT OWNERS OF THE PROPERTY: M/S GOLDSHIELD REAL ESTATE PVT. LTD., a private limited company registered under Company Act 1995, represented by its authorized representative/Signatory **MR. S. SAJEEV KUMAR.**

PRESENT DEVELOPERS OF THE PROPERTY: TOPLE BUILDERS AND DEVELOPERS, a sole proprietorship of **MRS. LAXMI SUDHAKAR SHINDE**

SCHEDULE -A

(DESCRIPTION OF THE SAID PROPERTY)

All that piece and Parcel of Land property known as "**PESVA GOR BHAT**", also known as "**MABLAZOICHEALEM**" surveyed under Survey No. 393/2 of village Raia, within the bounds and Jurisdiction of Village Panchayat of Raia, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, admeasuring area of 4488.56 Sq. Meters, and registered in the Land Registration office of Salcete under Registration No. 6384 of Page V of Book No. 17 of New Series, Not enrolled in the Taluka Revenue office of Salcete for Matriz, and the said Property is bounded and surrounded as under:

On the East: Property No. 393/3;

On the West: Property S. No. 393/1;

On the North: Property S. No. 392/1;

On the South: Tar Road.

TRACING OF TITLE AND OBSERVATION ON DOCUMENTS PRODUCED, SCRUTINIZED AND EXAMINED:

1. I HAVE CAREFULLY PERUSED THE FOLLOWING DOCUMENTS:-



All Photocopies:-

1. Photocopy of land Inscription and Description Certificate.
2. Photocopy of Power of Attorney Dated: 23-11-2006, duly notarised before the Notary Jayant S Prabhu Shanbbhag, under Reg. No. 58/74/2006.
3. Photocopy of Power of Attorney Dated: 31-10-2006, duly notarised before the Notary A.V. Prabhudessai, under Reg. No. 146/06
4. Photocopy of Power of Attorney, duly notarised before A. N. Pande, Notary Govt. of India at Mumbai.
5. Photocopy of Power of Attorney Dated: 12-10-2006, duly notarised before A. N. Pande.
6. Photocopy of Power of Attorney Dated: 20-10-2016, duly notarised before Ramji Ojha, Union of India at Mumbai.
7. Photocopy of Power of Attorney Dated: 06-10-2006 duly notarised before N.J. D'Monte at Mumbai.
8. Photocopy of Power of Attorney Dated: 06-10-2006 duly notarised before N.J. D'Monte at Mumbai.
9. Photocopy Sale Deed dated: 08-03-2007, duly registered at the office of Sub Registrar of Salcete, under serial no 272/2007, dated 08-03-2007, vide Registration No. 1298, at Pages 198 to 228 of Book No. I, in Vol. No. 2375, on 31-03-2007.
10. Photocopy Judgment and Order dated: 12-12-2017, passed by the Court of the 1st Addl. Senior Civil Judge, at Margao in Special Civil Suit No. 41/2015/I.
11. Photocopy of Form No. 1 & 14, dated: 02-01-2015, in respect of Survey No. 393/2 of Village Raia.
12. Photocopy of Technical Clearance Order dated: 06-05-2022, issued by the Office of the Senior Town Planner, Town and Country Planning Department, South Goa District Office, Margao Goa, vide Ref. No. TPM/33877/const/Raia/393/2/2022/2288.
13. Photocopy of Judgement/Order of correction dated 09-05-2022, vide Case No. LRC/CORR/SAL/RAIA/05/2022/3341-I, passed by the Court of the Deputy Collector and SDO Margao.
14. Photocopy of NOC Dated: 18-07-2022, issued by the Director of Health Services, PHC Loutolim Health Center, Loutolim Goa vide Ref. No. DHS/2022/DHS0901/O0025/924.



15. Photocopy of Construction Licence dated: 09-08-2022, issued by the Village Panchayat of Raia, Salcete Goa, vide Ref. No. VPR/2022-2023/02.
16. Photocopy of Conversion Sanad, Dated: 25-04-2023, issued by the office of the collector, South Goa District, issued vide Ref. No. CAD2SAL22-149/26.
17. Photocopy of Development Agreement for Construction and Sale, dated: 27-04-2023, duly registered in the Office of Sub-Registrar of Salcete, at Margao, under Registration No. MGO-1-1822-2023, Book:-1 Document on 28-04-2023.
18. Photocopy of RERA Certificate of Registration of Project Dated: 17-05-2023, bearing Project Registration No. PRG005232000.
19. Photocopy of Power of Attorney dated: 10-06-2023, duly notarised before the Notary Mr. Sandeep B. Dessai, under Reg. No. 5879/2023, on 10-06-2023.
20. Draft of Agreement for Construction and Sale proposed to be executed between **GOLDSHIELD REAL ESTATE PVT. LTD., TOPLE BUILDERS AND DEVELOPERS** as the Developers, and the Prospective Purchasers/Borrowers.
21. Latest Nil Encumbrance Certificate.

2. ON RELAYING UPON INFORMATION GIVEN ARE AS TRUE I OBSERVED THAT :

1. **AND WHEREAS** the said property originally was owned and peacefully possessed by one Mr. Simplicio Crisostomo D'Souza, in whose favour the same stands inscribed in the Register of Land Transfers vide Inscription No. 4564, in the year 02-08-1890, as can be seen from the document enlisted at serial no. 1 above.
2. **And thereafter** it transpires from the document enlisted at serial no. 9 above, that the said Land Owners namely M/S GOLDSHIELD REAL ESTATE PVT. LTD., a private limited company registered under Company Act 1995, represented by its authorized representative/Signatory **MR. S. SAJEEV KUMAR**, purchased the said property morefully described in Schedule-A hereinabove, from the heirs of late Mr. Simplicio Crisostomo D'Souza vide Sale Deed dated: 08-03-2007, duly registered at the office of Sub Registrar of Salcete, under serial no 272/2007, dated 08-03-2007, vide Registration No. 1298, at Pages 198 to 228 of Book No. I, in Vol. No. 2375, on 31-03-2007.
3. And the said Power of Attorneys, as enlisted from serial no. 2 to 8, are physically verified by us. The said powers of Attorney are executed by the Landowners in favour of one Mr. Sidney Tony Moraes and the same were legally enforceable in the Court of Law and were rightfully used for the purpose of execution of the Sale Deed, dated: 08-03-2007.



4. And it transpires vide Judgment and Order dated: 12-12-2017, as enlisted at serial no. 10 above, the present Owners namely M/S GOLDSHIELD REAL ESTATE PVT. LTD., has filed a special suit against the defendants as mentioned in the said judgment who are the descendents/heirs of the original owner of the said Property namely late Mr. Simplicio Crisostomo D'Souza .
5. And whereas it appears from the said judgment that the present suit was filed for declaration of ownership and possession of the said Property in favour of M/S GOLDSHIELD REAL ESTATE PVT. LTD., as there were several names of the defendants as the co-owners of the said property earlier appearing on the old Form No. 1 & 14, and accordingly vide virtue of the said Judgment and Order the plaintiff i.e. M/S GOLDSHIELD REAL ESTATE PVT. LTD., was declared as the lawful owners in possession of the said Property and the name of one Mr. Francisco Zeronio D Souza appearing on the Form No. I & XIV was ordered to be deleted.
6. It is further seen and corroborated from the conjoint reading of the Sale Deed dated: 08-03-2007 and the Judgment and Order Dated: 12-12-2017, in Civil Suit No. 41/2015/I, that the names of all the persons as appearing on the said Sale Deed are matching with the names of the persons appearing as defendants in the said Judgment and Decree except the name of one Mr. Vincente Paulo D' Silva, who was not made a party to the Said Deed of Sale. However the Said Vincente Paulo D' Silva was made a party to the Said Civil Suit as Defendant No. 11, whereupon the said Decree and Judgment Dated: 12-12-2017, is binding on him as well. In view whereof I am of the learned and considered opinion that the title of the said property as derived from the original ancestors to the heirs and finally down to the present Owner namely M/S GOLDSHIELD REAL ESTATE PVT. LTD., is perfectly established and is thus Clean clear valid and marketable.
7. I further certify that the title of the said Property is loanable in nature as we have derived a title of more than 30 years in the chain link as been established.
8. **And thereafter** it can be ascertained from Form No. 1 & 14, Dated: 02-01-2015, that the name of the Land Owner i.e GOLDSHIED REAL ESTATE PVT. LTD., stands recorded on Form No. 1 & 14, in respect of Survey No. 393/2 of Village Raia, as enlisted at serial no. 11 above.
9. **And thereafter** it can be seen from the document enlisted at serial no. 2 above, that the total area of the SAID PROPERTY, morefully described in Schedule-A hereinabove, as denoted in the said Sale Deed, was 5225.00 sq. Mts., however there was an inadvertent error in the Form No. 1 & 14 pertaining to the said Plot in respect of the total area which was wrongly mentioned as 5200 sq. Mtrs., thereon instead of 4488.56 sq. Mtrs.



10. **And thereafter** the land Owners i.e **GOLDSHIED REAL ESTATE PVT. LTD.**, instituted proceedings for correction of the survey records in the Court of the Deputy Collector and SDO Margao vide case No. LRC/CORR/SAL/RAIA/05/2022/3341-I and duly obtained the Judgment/Order of correction dated 09-05-2022, as enlisted at serial no.13 above, thereby rectifying the discrepancy in the said area to 4488.56 Sq. Mtrs., who thus became absolute Title OWNER in possession and otherwise also absolutely seized and possessed of the SAID PROPERTY more fully described in schedule A hereinabove.
11. **And thereafter** the office of the collector, South Goa District, issued Conversion Sanad, vide Ref. No. CAD2SAL22-149/26, Dated: 25-04-2023, as enlisted at serial no. 16 above, converting an area of 4454 Sq. Mtr. of the property morefully described in Schedule-A hereinabove, for residential use.
12. **And thereafter** for the purpose of undertaking the developmental work upon the Said Property, morefully described in Schedule-A hereinabove, the Land Owners i.e. **GOLDSHIED REAL ESTATE PVT. LTD.**, a private limited company registered under Company Act 1995, represented by its authorized representative/Signatory **MR. S. SAJEEV KUMAR**, has entered into an Development Agreement for Construction and Sale, dated: 27-04-2023, duly registered in the Office of Sub-Registrar of Salcete, at Margao, under Registration No.MGO-1-1822-2023, Book:-1 Document on 28-04-2023, as enlisted at serial no.17 above, with **TOPLE BUILDERS AND DEVELOPERS**, a sole proprietorship of **MRS. LAXMI SUDHAKAR SHINDE**, whereupon the said Developer agreed to develop the said property by constructing thereon a project consisting of independent Villas and it is agreed to allot 4 Villas to the Land Owners i.e. Goldshield Real Estate Pvt. Ltd. as per the terms and conditions mentioned thereon in the said Agreement.
13. And it transpires vide Power of Attorney dated:10-06-2023, duly notarised before the Notary Mr. Sandeep B. Dessai, under Reg. No.5879/2023, on 10-06-2023, as enlisted at serial no. 19 above, that the said Land Owners namely **GOLDSHIED REAL ESTATE PVT. LTD.**, a private limited company, headed y its managing director **MR. SOUMITRA MITRA**, and represented by its authorized representative/signatory **MR. S. SAJEEV KUMAR**, has constituted their attorney in favour of **MRS. LAXMI SUDHAKAR SHINDE**, in respect of all the matters mentioned in the said Power of Attorney that are required to develop the said Property morefully described in Schedule-A hereinabove.



14. **And thereafter** the Developer namely **TOPLE BUILDERS AND DEVELOPERS**, with the intention to develop the said Property morefully described in Schedule-A hereinabove by constructing thereon a project consisting of independent Villas, obtained the following Licences and Permissions as enlisted at serial no. 12, 14 and 15 above.
- Technical Clearance Order dated: 06-05-2022, issued by the Office of the Senior Town Planner, Town and Country Planning Department, South Goa District Office, Margao Goa, vide Ref. No. TPM/33877/const/Raia/393/2/2022/2288.
 - NOC Dated: 18-07-2022, issued by the Director of Health Services, PHC Loutolim Health Center, Loutolim Goa vide Ref. No. DHS/2022/DHS0901/O0025/924.
 - Construction Licence dated: 09-08-2022, issued by the Village Panchayat of Raia, Salcete Goa, vide Ref. No. VPR/2022-2023/02.
15. **And thereafter** in pursuance to the said licences and approvals, the Developer has commenced the construction of the said Residential Villas and the same is under construction and shall be completed in due course of time and the project is proposed to be named as "**A COR DE RAI A PHASE I**", duly registered under Project Registration No. PRG005232000, as can be seen from the document enlisted at serial no. 18 above & proposed **PHASE II**, for RERA Registration, and hereinafter referred to as the '**SAID PROJECT**'.
16. The title history of last 39 years from this date shows the chain of above transactions. The links in the chain of title have been properly established and fortified. All the transactions have been duly verified and scrutinized from the relevant Records of the Registrar of documents and from the Village Panchayat of Raia, South Goa Planning and Development Authority, Taluka and Sub-District of Salcete.
17. I have subjectively perused the Draft of Agreement for Construction and Sale, as enlisted at Serial No. 20 above proposed to be executed between the Present Owners namely **GOLDSHIELD REAL ESTATE PVT. LTD.**, the Developer namely **TOPLE BUILDERS AND DEVELOPERS** as the Developers, and the Prospective Purchasers/Borrowers, being placed before me for my verification and I Certify that the Proposed Agreement for Sale can be validly and legally executed and enforced between the parties, with the append age of appropriate amount of Stamp Duty and Registration Fees as in force.



3. CONCLUSION:-

From the scrutiny of the documents enlisted hereinabove in the list of documents, and search of relevant records, I have found and contended that the title of the applicant and the rights of the vendor, in respect of the property described in the Schedule 'A' above is in accordance with the Plans and terms and conditions approved and contemplated by the S.G.P.D.A. and the Town and Country Planning Department and therefore the Owners and the Developer are having a clean, clear valid and readily marketable title and the owners can and are entitled for selling/disposing/alienating the said Villas along with the proportionate share in the land to any prospective Purchaser/s and the Owner/developer have an absolute and every right to transfer and dispose off the said property along with the said Plot to whomsoever.

FINAL CERTIFICATE:

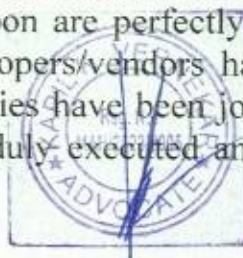
As per my observations:

- a) There are no claims of minors or any other person/persons, institutions, firms or companies in respect of the said Property and the Villas;
- b) There are no liabilities created by any person or persons on the said plots of whatsoever kind or nature.
- c) Assessment of Land Revenue Tax as per the present Land Revenue Code in force is not yet finalized in Goa and that it will take its own time for completion.
- d) Provisions of Urban Land Ceiling Act are not applicable in Goa and the ownership of the said plot by the Owners in accordance with the provisions of the Land Reforms Act.
- e) There are no prior mortgages, charges, claims, encumbrances, and liens of whatsoever nature in respect of the said Property.
- f) There is no Act nor any law in force in the State of Goa which prohibits creation of a charge in form of mortgage in respect of the nature and kind of the said plot or otherwise, situated in the State of Goa.

FURTHER CERTIFY THAT:

i) I certify that I have taken the necessary searches of the registration before the Sub-Registrar of Salcete, Survey Office of Raia, Village Panchayat of Raia, South Goa Planning and Development Authority and Margao Town and Country Planning Department in respect of the Said Villas

ii) I am satisfied and confirm hereby that the above said Plots along with the Said Villas standing thereupon are perfectly heritable and transferable and the transferors/owners/developers/vendors have every right to transfer the same. All the necessary parties have been joined in the documents perused by me and the same stand duly executed and validly registered before the



appropriate authorities as envisaged by the law in force pertaining to transfer of properties, registration and stamp duties have the desired effect. Thereby the facts and event material to the title have been subjectively and satisfactorily proved, and can be kept as security by way of equitable Mortgage and the documents of Title referred hereinabove are perfect and conclusive proof of evidence of Title and if Said Equitable Mortgage is created in the manner required in Law it would satisfy the requirement of creation of Equitable Mortgage in favour of any financial institutions.

iii) From the detailed study of all the title documents placed before me, I certify and endorse that the owners/developers have got a clean, clear, valid and perfectly marketable title to the said plots along with the said Villas and therefore the present applicants shall derive a valid clear marketable and unencumbered Title to the Said Villas as stated hereinabove.

I HAVE CONDUCTED THE SEARCH OF THE CONCERNED REGISTRATION BEFORE THE RESPECTIVE AUTHORITIES IN RESPECT OF THE SAID PLOT, ADMEASURING AN AREA OF 4488.56 SQ. METERS, SURVEYED UNDER SURVEY NO. 393/2 OF VILLAGE RAIA AND THE SAID VILLAS AND ISSUED THE PRESENT TITLE REPORT AT THE REQUEST OF MY CLIENT.

The File and papers forwarded by you to me are returned herewith, kindly acknowledge the receipt thereof.

Place: Margao, Goa.

Date: 04-09-2023.



Kapil K. Vernekar
(ADVOCATE)

