

MR. AJAY G. N. DESSAI
MRS. ASHWITA A. N. DESSAI
MISS. SANA SHAIKH
ADVOCATES

Having Office at:
Laxmi Plaza, T-7, IInd Floor,
Behind Grace Church Margao Goa.
Mob: 9850477425

To,
M/s ASBT ASSOCIATES
a partnership firm having its registered office at
SF-1, Second floor, Heramb Appt.,
Opp. Canara Bank, Aquem Margao Goa,
herein represented by its partners
(a) **MRS. TABASSUM PARVEEN ALI**,
(b) **MR. MOHAMMAD BAKKAR ALI**,
both resident of Plot no.H-16, Vasant Nagar,
Gogol, Margao, Salcete, Goa

Sub: Legal opinion on Title Verification, Ownership and Marketability

Ref: All that proposed building known as "ASBT TOWERS" to be constructed in **AMALGAMATED PROPERTY** totally admeasuring an area of 1300 sq. mtrs., surveyed under Chalta No. 42 of P.T.S. No. 131 of City survey Margao, city survey.

Respected Sir,

With reference to above, I have to inform you that I have carried out scrutiny of documents and title deeds and also search of relevant records and I hereby give my legal opinion and report as under;

1. DESCRIPTION OF PROPERTY UNDER REFERENCE:

A. ALL THAT LANDED PROPERTY known as 'AFORAMENTO GOGOLA', situated within the limits of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, surveyed under Chalta No. 1 of P.T.S. No. 118 of City Survey Margao, and stands inscribed under the inscription No. 49839 in the land Registrar office of Salcete and the same is described in the Land Registration Office of Salcete under No. 45076, on reverse of page 106V, of Book B-117 and enrolled in the land revenue office under 'Matriz' No. 1047 of Salcete and bounded as under:-

EAST :- by land of Lazaro Gonzaga Faleiro and that of Lourenco Curumbim,
WEST :- by the heirs of Delfim Godinho and land of Comunidade of Margao,
NORTH :- by Margao-Curtorim Public Road and
SOUTH :- by the land of the said Lourenco Curumbim and of Comunidade de Margao



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B. ALL THAT AMALGAMATED PROPERTY totally admeasuring an area of 1300 sq mtrs, surveyed under Chalta No. 42 of P.T.S. No. 131 of City survey Margao and forming by itself a separate and distinct property for all purpose and which property is bounded as under:-

EAST :- by Land of Lourence Curumbin
WEST :- by 6 mtr Public Road
NORTH :- by 10 mtr Public Road
SOUTH :- by Plot No. 63

2. LIST OF DOCUMENTS SCRUNITIZED AND EXAMINED:

I have scrutinized and examined following documents in the Office of Sub registrar of Salcete at Margao, Office of Collectors South Goa District Margao, Office of Inspector of land survey, Mamlatdar Office, Margao Municipality, Town and Country Planning, SGPDA, Planning and Development Authority, Urban Health and Development Authority.

- i. Copy of Land Description Certificate in respect of land described under no. 45076 on reverse of page 106V, of Book B-117.
- ii. Copy of Inscription Certificate under no. 49839.
- iii. Copy of matrizz certificates bearing No. 1047.
- iv. Copy of Agreement dated 07.04.1982.
- v. Final approval from the South Planning and Development Authority, Margao under Ref no. SPD/P/1481/937/84-85 dated 30.04.1984.
- vi. Deed of Sale dated 05.06.1992, duly registered before the Sub Registrar of Salcete under Reg. No. 1767, at pages 588 to 600-C, Book Bo. 1 Vol. No. 247, dated 12.08.1992.
- vii. Order Permission granted by Southern Planning & Development Authority, Margao under no. SPD/P/207/716/92-93 dated 05.08.1992.
- viii. Deed of sale dated. 01.03.2022, duly registered before the Sub-Registrar of Salcete, under Book 1, Doc Reg no. MGO-1-717-2022.
- ix. Deed of Partnership dated 31.03.2017 registered before registrar of Firms under no. MGO-F126-2017 on 11.04.2017.





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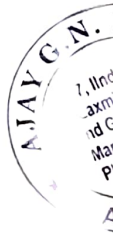
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- x. Conversion Sanad bearing No. 4(2)-1014-81-RB dated 04.03.1982 from the office of Collector of Goa, Daman and Diu Copy.
- xi. Development permission granted by the Planning and Development Authority under no. SGPDA/P/6641/144/23-24, dated. 08.05.2023.
- xii. Construction License issued by the office of Margao Municipal Council bearing no. A/10/2023-24, dated. 12.05.2023
- xiii. No Objection certificate issued by the Urban Health centre bearing no. DHS/2023/DHS0901/00028/679, dated. 09.05.2023 issued by the Health officer, Urban Health Centre Margao.
- xiv. Form D issued by Government of Goa directorate of survey land records City survey Margao Goa in respect of Chalta no. 42 of P.T. Sheet no. 131 wherein the name of said owners Mr. Mohammad bakkar Ali and Mrs. Tabassum Parveen Ali is shown therein as Owners.

Flow of title

That there exists a landed property known as '**AFORAMENTO GOGOLA**', situated within the limits of Margao Municipal Council, Talukaand Sub-District of Salcete, District of South Goa, State of Goa, surveyed under Chalta No. 1 of P.T.S. No. 118 of City Survey Margao and stands inscribed under the inscription No. 49839 in the land Registrar office of Salcete and the same is described in the Land Registration Office of Salcete under No. 45076, on reverse of page 106V, of Book B-117 and enrolled in the land revenue office under 'Matriz' No. 1047 of Salcete and is more particularly described in the **SCHEDULE-I** herein under written and is hereinafter referred to as the "**SAID ENTIRE PROPERTY**".

The said entire property originally belonged to one Mr. Joao Fenelon Roque Da Piedade Rebelo alias Fenelon Rebelo also known as Joao Fenelon Rebelo still known as Fenlon Rebello and his wife Ana Maria Purificacao Albertina Barreto and accordingly the same is found inscribed in favor of said Mr. Joao Fenelon Roque Da Piedade Rebelo alias Fenelon Rebelo or even known as Joao Fenelon Rebelo under the land inscription No. 49839 in the land Registrar office of Salcete and described in the land registration



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office of Salcete under No. 45076 at pages 106v of Book B No. 117 since the said property along with other properties having been allotted to him on account of his legitime in division and partition of assets which were left upon the death of his mother Late Jacinta Piedade Alice de Silva Rebelo alias Jacinta Piedade Da Silva Rebelo or even known as Jacinta Da Silva Rebelo.

The said Mr. Joao Fenelon Roque Da Piedade Rebelo alias Fenelon Rebelo also known as Joao Fenelon Rebelo still known as Fenlon Rebello with an intention to develop the said property have obtained conversion sanad bearing No. 4(2)-1014-81-RB dated 04.03.1982 from the office of Collector of Goa, Daman and Diu, permitting him to convert the said entire property for non-agricultural use.

The said Mr. Joao Fenelon Roque Da Piedade Rebelo alias Fenelon Rebelo also known as Joao Fenelon Rebelo still known as Fenlon Rebello herein after referred to as "LAND OWNERS" thereafter entered into an Agreement dated 07.04.1982 with M/s. Sterling Estate, a partnership concern registered with the Sub Registrar of Firms, Salcete for development of the said entire property described in schedule – I hereunder into sub plots and for arranging the sale of the developed plots.

That in pursuance to said agreement the said M/s. Sterling Estate had developed the said entire property into several sub Plots in pursuance to the Final approval under Ref. No. SPD/P/1481/937/84-85 dated 30.04.1984 issued by the South Planning and Development Authority, Margao.

Subsequently in pursuance of Agreement dated 07.04.1982 the land owners namely Mr. Joao Fenelon Roque Da Piedade Rebelo alias Fenelon Rebelo also known as Joao Fenelon Rebelo still known as Fenlon Rebello and his wife Mrs. Ana Maria Purificacao Albertina Barreto alias Albertina Rebello as vendors therein and the M/s. Sterling Estate, a partnership firm represented by Mr. Roy Rebello; as a Confirming Party; by Deed of Sale dated 05.06.1992, duly registered before the Sub Registrar of Salcete under Reg. No. 1767, at pages 588 to 600-C, Book Bo. 1 Vol. No. 247, dated 12.08.1992, have sold conveyed, transferred the right, title and ownership of three plots viz. **Plot No. 58 admeasuring 395 sq. mtrs, Plot No. 59 admeasuring 363 sq. mtrs and Plot No. 60 admeasuring 558 sq. mtrs** in favor of Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya and by virtue of which the said Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya became the absolute owner in possession of the said three plots.



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The above said Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya upon purchase of the said three plots thereafter with an intension to construct a Bungalow and Compound wall therein, have amalgamated the said three plots ie. **Plot No. 58 admeasuring 395 sq. mtrs, Plot No. 59 admeasuring 363 sq. mtrs and Plot No. 60 admeasuring 558 sq. mtrs;** into one property vide permission granted to them by Southern Planning & Development Authority, Margao, and proposed to construct one Bungalow along with compound wall therein; and that the said three amalgamated plots mentioned herein above are converted into one single property which after amalgamation is now totally admeasuring an area of 1300 sq. mtrs. and is more particularly described in the **SCHEDULE-II** hereunder written and is hereinafter referred to as the **“SAID PROPERTY”**.

The said earlier owners Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya of the being the then lawful owners in possession of the said three plots which was previously surveyed as a whole under Chalta No. 1 of P.T.S. No. 118 of City Survey Margao had thereafter applied before the Enquiry Officer City Survey Margao, for confirmation of the amalgamated property in their own name and the said Enquiry Officer City Survey Margao, after conducting the enquiry had confirmed the said amalgamated property in their name vide its Judgment dated 03.03.1993 and accordingly the same is now independently surveyed under Chalta No. 42 of P.T. Sheet No. 131 of City Survey Margao.

That the earlier owners Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya with an intension to construct a residential Bungalow along with a compound wall therein have obtained necessary NOC/development permission under No. SPD/P/207/716/92-93 dated 05.08.1992 from Southern Planning and Development authority and also obtained construction license bearing No. A/187/92 dated. 20.10.1992 from Margao Municipal Council which Construction License bearing No. A/187/92 dated. 20.10.1992 was later on Renewal on 23.03.1994 and also lastly revised on 10.04.1995 by the Margao Municipal Council for construction of bungalow consisting of Ground plus upper floor along with compound wall.

The said earlier owners Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya have completed the construction of the said bungalow which is assessed for the purpose of house tax under No. 3/2974/ in the Office of Margao Municipal Council and is totally admeasuring an area of 350 sq. mtrs. approx and which is comprising of Ground plus upper floor along with the compound wall and after completion of the same had obtained the necessary Occupancy Certificate







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from the office of Margao Municipal Council under ref No. 3/(OC)/1/95-96/TECH/13 Dated. 10.04.1995, certifying that the said bungalow comprising of Ground plus upper floor is completed in all respect and fit for occupation for residential purpose.

Subsequently the above earlier owners said Dr. Gopal Pandurang Vaidya and his wife Dr. Nandini Gopal Vaidya Alias Dr. Namdini Gopal Vaidya thereafter by Deed of sale dated. 01.03.2022, duly registered before the Sub-Registrar of Salcete, under Book 1, Doc Reg no. MGO-1-717-2022 have sold the SAID PROPERTY admeasuring an area of 1300 sq. mtrs. along with the said BUNGALOW consisting of Ground plus upper floor, admeasuring an area of 350 sq. mtrs. existing therein, to **Mrs. Tabassum Parveen Ali** and **her husband Mr. Mohammad Bakkar Ali** mentioned hereinabove for the stated price and on the terms and condition of the said deed of sale.

Prior to execution of the present Deed of sale dated. 01.03.2022, a public notice dated 15.01.2022 was published by the said DEVELOPER CUM VENDORS in the daily English newspaper "O Herald O", inviting claim or objections from any person/s Bank, private of financial Institution or entity having any valid right or claim in respect of SAID PROPERTY of whatsoever nature along with the documentary proof in support of their such claim or objection for sale of above SAID PROPERTY by vendors within the period stipulated in the said notice. However, no such claim has been received from any person/s of whomsoever nature or any other Bank or entity over the SAID PROPERTY pursuance of said notice within the said prescribed time.

By virtue of above sale deed, the **Mrs. Tabussum Parveen Ali** and **her husband Mr. Mohammad Bakkar Ali** became the sole owner and possessor of the SAID PROPERTY along with the BUNGALOW consisting of Ground plus upper floor with one shop and a garage existing therein free from all encumbrance, liens, charges, etc and that upon purchase of SAID PROPERTY the said purchasers have mutated their name in Form D of Chalta No. 42 of P.T. Sheet No. 131 of City Survey Margao under Mutation no. 312995 and accordingly their names have been entered as an exclusive holder thereof.

The above said land owners **Mrs. Tabassum Parveen Ali** and **her husband Mr. Mohammad Bakkar Ali** both had earlier formed a partnership firm by entering into a Deed of Partnership dated 31.03.2017 under the name and style M/s ASBT Associates which is duly registered with the Registrar of Firms Margao Salcete Goa under No. MGO-F126-2017 dated 11.04.2017.



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conversion Sanad and all the permissions and approvals obtained in connection with proposed construction and I am satisfied as to the title of the SAID PROPERTY and the proposed construction to be carried in the same.

That by virtue of above sale deed dated 01.03.2022, the said Mr. Mohammad Bakkar Ali and Mrs. Tabassum Parveen Ali became the owners in possession of the said property which was later introduced as an asset of M/s. ASBT Associates and as such the said Developer Cum Vendors became the sole owner and possessor of the said property and I am of the considered opinion that the above property under development is free from all encumbrance, liens, charges, etc except the same is mortgaged against a Housing Loan from the Bank of Maharashtra, Gogol Branch.

That the Developer Cum Vendors have planned and proposed to construct multi-storied building in the said plot in the name of "ASBT TOWERS".

It is seen that the said developer cum vendor have obtained Development Permission bearing no SGPDA/P/6641/144/23-24, dated. 08.05.2023 from the office of South Goa Planning and Development Authority and have also obtained No objection Certificate from Urban Health Centre, Margao, under no. DHS/2023/DHS0901/00028/679, dated. 09.05.2023 and have also obtained Construction License bearing no. A/10/2023-24, dated. 12.05.2023 from office of Margao Municipal Council for construction of Multi-Storied building in the said property. Besides that they have also obtained conversion of the said property for residential purpose before the Collector of Goa, Daman and Diu and have already commenced the construction multistoried building "ASBT TOWERS" consisting of flats and other premises for the purpose of selling the same to different prospective buyers on ownership basis.

LEGAL OPINION, VERIFICATION OF TITLE OF PROPERTY AND ITS MARKETABILITY:

From the above scrutiny of title documents and the searches carried out by me from the above referred competent offices I am of considered opinion that the said partnership firm M/s ASBT Associates represented by said partners (1) Mrs. Tabassum Parveen Ali and (2) Mr. Mohammad Bakkar Ali are the sole and exclusive owners of above described property as well as the owner of the proposed development permission, construction License as well as other NOCs and permissions meant for construction of proposed building "ASBT TOWERS" and the said partnership firms M/s ASBT Associates have clean, clear and readily marketable title over the said Plot along with the licenses, development permissions, NOCs and the proposed



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building "ASBT TOWERS" under construction except the same is mortgaged against a Housing Loan from the Bank of Maharashtra, Gogol Branch.

While scrutiny of title documents I did not come across any encumbrance over the said Plot along with the proposed building "ASBT TOWERS" under construction in the said plot **except the same is mortgaged against a Housing Loan from the Bank of Maharashtra, Gogol Branch.**

Further it can be conclusively opined that said property along with the proposed building "ASBT TOWERS" is free from any encumbrances, liens and charges **except the same is mortgaged against a Housing Loan from the Bank of Maharashtra, Gogol Branch** and on completion of the said building "ASBT TOWERS", the above Developer cum vendor M/S ABST ASSOCIATES shall derive clean, clear and marketable title of the proposed building ASBT TOWERS along with the said property and they shall be free to sell and dispose the premises constructed therein to the prospective buyers long with the proportionate undivided share in the said property. The prospective buyers on purchase of the said premises in said building "ASBT TOWERS" along with the undivided share in the said property shall in turn also derive clean clear and marketable title to the said premises and there will be no impediment incase they individually mortgage their flat or any other premises in favor of Financial Institution, banks etc.

Margao
12 .05.2023

Adv. Ajay G. Naik Dessai
Advocate

