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LEGAL OPINION

This Legal Opinion is prepared at the request of **MR. RITESH MEHTA**, Director of **M/S SEASIDE HOSPITALITY PRIVATE LIMITED**, a company incorporated under the Companies Act 2013, having its registered office at A-208, New Friends Colony, New Delhi-110065 and I have verified the below mentioned documents furnished to me by **MR. RITESH MEHTA**, with respect to Properties Bearing Survey No. 283/1, admeasuring 4700 Square meters and Survey No. 285/1-A, admeasuring 200 Square meters, both situated in Village Saligao, Bardez Taluka, North Goa and I endorse my following observation.

LIST OF DOCUMENTS FURNISHED OF THE PROPERTIES.

- I. Photo copies of the Will drawn before the Civil Registrar cum Sub Registrar and Notary ex-officio of Bardez at Mapusa, dated 12th May 1981 at page No. 57 reverse onwards of Book No. 115 of Wills.
- II. Photo copies of the Deed of Renunciation dated 15th Nov 1990 drawn at page 22 onwards of Book number 749 of the Notarial office of Bardez at Mapusa.
- III. Photo copies of the Deed of Partition dated 20th Oct 1993, registered at the office of the Sub Registrar of Bardez at Mapusa, bearing registration No. 499, Book no. 1, vol No. 238 dated 22/10/1994.
- IV. Photo copies of the Deed of Sale dated 07.12.1995, registered at the office of the Sub Registrar of Bardez, under no. 1162 of book no. I, volume no. 396 on 16.07.1996.

- V. Photo copies of the Deed of Rectification dated 19.04.2001, registered at the office of the Sub Registrar of Bardez, at Mapusa, under no. 863 of book no. I, volume no. 815.
- VI. Photo copies of the Deed of Sale dated 17.03.2004, registered in the office of the Sub Registrar of Bardez, at Mapusa under no 413 at pages 157 to 175 in book no. I, volume no. 1218 on 18.02.2005.
- VII. Photo copies of the Deed of Sale, dated 17.03.2004, registered in the office of the Sub Registrar of Bardez at Mapusa under no. 500 at pages 267 to 284 in book no I, volume no. 101 on 26.03.2004.
- VIII. Photo copies of the Deed of Sale dated 17.08.2006, duly registered in the office of Sub registrar of Bardez at Mapusa, vide registration no. 4416, at pages 79 to 106, book no. I, volume no. 1782, on 01.09.2006.
- IX. Photo copies of the Deed of Sale/ Sale Certificate dated 22/6/2020 bearing Book-1 Document, Registration number BRZ-1-1530-2020, date 22/6/2020. Registered before the Sub-Registrar of Bardez at Mapusa.
- X. Photo copies of the Computerize copy of Form I & XIV of the Properties Bearing Survey No. 283/1, admeasuring 4700 Square meters and Survey No. 285/1-A, admeasuring 200 Square meters, both situated in Village Saligao, Bardez Taluka, North Goa.

SCHEDULE OF THE PROPERTIES

SCHEDULE OF PROPERTY "A"

All that piece and parcel of the property known as "MARXETA" as per the old Land Registration Records and now as "BAYWATLE" of "BAYWALTE" or "BAGWANTHI" as per the present Survey Records of Rights, situated within the limits of the Village Panchayat of Saligao, Bardez Taluka, Sub-District of Bardez, District of North Goa in the State of Goa, described in the Land Registration Office of Bardez under No. 17098 at folio 112 of Book No. B-44 New and enrolled in the Taluka Revenue office under



Matriz No. 342, bearing a separate Survey No. 283/1, admeasuring an area of 4700 square meters, being bounded as under:

North: By the property of Francisco.

South: By the properties bearing Survey Nos. 285/2(P) and 284/1(P).

East: By the properties bearing Survey Nos. 281 and 282

West: By the property bearing Survey No. 285/1(P).

SCHEDULE OF PROPERTY "B"

All that piece and parcel of the property known as "MARXETA" as per the old Land Registration Records and now as "BAYWATLE" of "BAYWALTE" or "BAGWANTHI" as per the present Survey Records of Rights, situated within the limits of the Village Panchayat of Saligao, Bardez Taluka, Sub-District of Bardez, District of North Goa in the State of Goa, described in the Land Registration Office of Bardez under No. 17098 at folio 112 of Book No. B-44 New and enrolled in the Taluka Revenue office under Matriz No. 342, bearing a separate Survey No. 285/1-A, admeasuring an area of 200 square meters, being bounded as under:

North: By the property of Francisco.

South: By the property bearing Survey No. 285/2(P).

East: By the property bearing Survey No, 283/1(P).

West: By the property bearing Survey NO. 285/1(P).

The above mentioned SAID PROPERTY "A" and "B" shall be together hereinafter referred to as the **SAID PROPERTIES**.



DETAIL ANALYSIS OF DOCUMENTS RELIED OF THE SAID
PROPERTIES AND THE FLOW OF TITLE.

- I. Photo copies of the Will drawn before the Civil Registrar cum Sub Registrar and Notary ex-officio of Bardez at Mapusa, dated 12th May 1981 at page No. 57 reverse onwards of Book No. 115 of Wills.

Shri. Jose Antonio S. Francisco Xavier Carmo Figueiredo alias Joseph Figueiredo by his last and final Will drawn before the Civil Registrar cum Sub Registrar and Notary ex-officio of Bardez at Mapusa, dated 12th May 1981 at page No. 57 reverse onwards of Book No. 115 of Wills, wherein which he bequeathed all his share in the movable and immovable properties in favour of his wife Mrs. Ida Maria Esmeralda Mendonca Figuerido.

- II. Photo copies of the Deed of Renunciation dated 15th Nov 1990 drawn at page 22 onwards of Book number 749 of the Notarial office of Bardez at Mapusa.

Mrs. Maria Lucia Mendonca Fernandes d/o late. Aprigio Luis Fransisco Jose do Rosario Fernandes and her husband Mr. Antonio Victor Francisco Espirito Santo do Perpetua Socorro Trindade Morais by Deed of Renunciation dated 15th Nov 1990 relinquished their rights inherited from their late parents and parents-in-law Shri. Aprigio Luis Fransisco Jose do Rosario Fernandes and Arminda Fernandes in favour of co-heirs.

- III. Photo copies of the Deed of Partition dated 20th Oct 1993, registered at the office of the Sub Registrar of Bardez at Mapusa, bearing registration No. 499, Book no. 1, vol No. 238 dated 22/10/1994.

All the immovable properties that belonged to the said Late. Aprigio Luis Fransisco Jose do Rosario Fernandes and his wife Lucinda Clara Arminda Mendonca Fernandes

alias Arminda Fernandes, were partitioned and mutually distributed among all the legal heirs and representative by virtue of mutual agreement and transfer arrived at by and between them by way of the said Deed of Partition.

IV. Photo copies of the Deed of Sale dated 07.12.1995, registered at the office of the Sub Registrar of Bardez, under no. 1162 of book no. I, volume no. 396 on 16.07.1996.

Mrs. Ida Maria Esmerald Mendonca Fernandes e Figueiredo alias Ida Figueiredo executed a Deed of Sale on 7th Dec 1995 in favour of Mr. Alex Victor Jose Fernandes and his wife Mrs. Martha Joaquina Pereira e Fernandes who were Mundkars in the property bearing survey No. 285/1 of village Saligao and sold an area of 700 sq.mtrs of the larger property bearing survey No. 285/1 of village Saligao, including the Mundkarial residential house.

V. Photo copies of the Deed of Rectification dated 19.04.2001, registered at the office of the Sub Registrar of Bardez, at Mapusa, under no. 863 of book no. I, volume no. 815.

In the Deed of Sale dated 7th Dec 1995 there occurred an error and as such a Deed of Rectification dated 19th April 2001 was executed where by the typing error was rectified and the said rectification deed forms part and parcel of the Deed of Sale dated 7th Dec 1995.

VI. Photo copies of the Deed of Sale dated 17.03.2004, registered in the office of the Sub Registrar of Bardez, at Mapusa under no 413 at pages 157 to 175 in book no. I, volume no. 1218 on 18.02.2005.

Deed of Sale dated 17th March 2004 which is duly registered in the office of the Sub-Registrar of Bardez at Mapusa under No. 413 at pages 157 to 175 of Book I, volume 1218 dated 18th Feb 2005 whereby the said Mrs.



Ida Maria Esmerald Mendonca Fernandes e Figueiredo sold to Mrs. Fay Elizabeth Margaret D'cruz and her husband Mr. Roque Amirchand D'cruz an area admeasuring 200 sq.mts, which is the remaining part of the said larger property falling under survey no. 285/1of village Saligao Bardez Goa.

VII. Photo copies of the Deed of Sale, dated 17.03.2004, registered in the office of the Sub Registrar of Bardez at Mapusa under no. 500 at pages 267 to 284 in book no I, volume no. 101 on 26.03.2004.

Deed of Sale dated 17th March 2004 which is duly registered in the office of the Sub-Registrar of Bardez at Mapusa under No. 500 at pages 267 to 284 of Book no. I, Volume no. 101 dated 26th March 2004, whereby the said Mrs. Ida Maria Esmerald Mendonca Fernandes e Figueiredo sold to Mrs. Fay Elizabeth Margaret D'cruz and her husband Mr. Roque Amirchand D'cruz, the property admeasuring an area of 4700 sq.mtrs, which is bearing survey No. 283/ 1 of village Saligao Bardez Goa.

VIII. Photo copies of the Deed of Sale dated 17.08.2006, duly registered in the office of Sub registrar of Bardez at Mapusa, vide registration no. 4416, at pages 79 to 106, book no. I, volume no. 1782, on 01.09.2006.

Deed of Sale dated 17th Aug 2006 which is duly registered in the office of the Sub-Registrar of Bardez at Mapusa under No. 4416 at pages 79 to 106, Book no. I, Volume 1782 on 1st Sep 2006 whereby the said Mrs. Fay Elizabeth Margaret D'cruz and her husband Mr. Roque Amirchand D'cruz, sold to Shri. Kurudimath Rudraih Gaddigaiah, the sole proprietor of M/S SHILPI CONSTRUCTIONS, both the said properties.

That subsequently the said Shri. Kurudimath Rudraih Gaddigaiah mortgaged the said Properties to Allahabad Bank, Panaji Goa, Branch as security for availing the

Financial Facility cash credit and bank guarantee, however the Account of M/s Shilpi Constructions turned NPA on 30-03-2018 and accordingly the Bank had issued a notice under section 13(2) of SARFAESI Act 2002 on 05-04-2018. Thereafter, a Notice under Section 13 (4) was issued on 29-06-2018 by the Bank and thereafter the Bank obtained an Order from District Magistrate for taking over Physical Possession of the Said Properties on 05-02-2019 and accordingly Physical possession of the Said Properties was taken by the First Party/Bank on 25-02-2019. That, after receipt of the Physical possession of the Said Properties, the Bank tried to sell the property by e-auction on various occasions but the Bank could not get the purchaser. As there were no purchaser for the Said Properties, the Bank thereafter decided to sell the Said Properties through a private Treaty (Swiss Challenge Method) and the Said Properties were purchased by Seaside Hospitality Private Limited with the assistance of private Treaty (Swiss Challenge Method).

IX. Photo copies of the Deed of Sale/ Sale Certificate dated 22/6/2020 bearing Book-1 Document, Registration number BRZ-1-1530-2020, date 22/6/2020. Registered before the Sub-Registrar of Bardez at Mapusa.

Deed of Sale/ Sale Certificate dated 22/6/2020 bearing Book-1 Document, Registration number BRZ-1-1530-2020, date 22/6/2020. Registered before the Sub-Registrar of Bardez at Mapusa, whereby the said ALLAHABAD BANK, (Tan no. Mum A27087E), Pancard Number AACCA84864F, having its Head Office at 2, Netaji Subhas Road, Kolkata and being Represented by Shri. Kishore Kinjra, son of Late. Bhanwar La Kinjra, age 57 years, married r/o 269, Rohit Nagar, Phase -1, E-8, Bawadia, Bhopal. M.P. Chief Manager & the Authorized (after the merger/amalgamation of ALLAHABAD BANK with the (INDIAN BANK), and after the amalgamation BOTH THE BANKS KNOWN AS "INDIAN BANK"., ZONAL OFFICE, PUNE, having office at Mosaik Commercial Complex, City Survey no. 1216/1, Fina



Plot No. 576/1, Shivaji Nagar, Opp. Fergusson College,
Pune-411004, sold the said properties to M/S SEASIDE
HOSPITALITY PRIVATE LIMITED.

- X. Photo copies of the Computerize copy of Form I & XIV
of the Properties Bearing Survey No. 283/1,
admeasuring 4700 Square meters and Survey No.
285/1-A, admeasuring 200 Square meters, both situated
in Village Saligao, Bardez Taluka, North Goa.


I have verified the Form I & XIV of the said properties and it
is seen that the name of M/S SEASIDE HOSPITALITY
PRIVATE LIMITED is figuring in the occupants column
respectively and the Tenants Column and Other Rights
column is empty.

LEGAL OPINION :-

It is seen that the Properties bearing survey no. 283/1 and 285/1-A of
village Saligao Bardez Goa is purchased by M/S SEASIDE
HOSPITALITY PRIVATE LIMITED, wide Deed of Sale/ Sale
Certificate dated 22/6/2020 bearing Book-1 Document, Registration
number BRZ-1-1530-2020, date 22/6/2020. Registered before the
Sub-Registrar of Bardez at Mapusa and by way of mutation the name
of M/S SEASIDE HOSPITALITY PRIVATE LIMITED is figuring in the
occupants column of Form I & XIV of the said property respectively
and as such M/S SEASIDE HOSPITALITY PRIVATE LIMITED have
become the absolute owners in possession of the said properties and
as such it is established that M/S SEASIDE HOSPITALITY PRIVATE
LIMITED is having marketable title over the said property.

Date: 10/12/2021

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Adv. Siddesh G. Goltekar
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