

**TITLE REPORT**

To,  
**ANTAARA BUILDWELL PRIVATE LIMITED,**  
1101/1102, 11<sup>th</sup> Floor, Samarth Prasad,  
Swami Samarth Nagar,  
Lokhandwala, Andheri (West),  
Mumbai - 400053.

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. **3/16** of Village Calangute, Bardez - Goa.
  - b) Survey Records Form I & XIV bearing Survey No. **3/5** of Village Calangute, Bardez - Goa.
  - c) Alphabetical Index of the Village Calangute of the Taluka Bardez
  - d) Registo Do Agremensor
  - e) Cadastral Survey Records (Auto De Demarcacao)
  - f) Old Cadastral Survey Plan



- g) Correspondence Certificate dated 27/03/2023 bearing No. 9(02)-83/DSLRL-2023/1110 issued by Directorate of Settlement & Land Records, Govt. of Goa, Panaji - Goa
- h) Inscription Certificate (bearing No. 39533 at folio 24 of Book G-43)
- i) Description Certificate (bearing No. 38724 at page 102 of Book B-99)
- j) Manual Form I & XIV (Survey No. **3/16** of Village Calangute, Bardez - Goa)
- k) Manual Form I & XIV (Survey No. **3/5** of Village Calangute, Bardez - Goa)
- l) Deed of Qualification and Partition dated 15/05/1942
- m) Public Will dated 27/04/1967
- n) Deed of Sale dated 11/03/1968



- o) Judgement dated 09/06/1979 passed in Regular Civil Suit No. 32/1972/Jr by the Civil Judge Junior Division Mapusa
- p) Sale Deed dated 27/05/1981, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 551 at pages 163 to 168 of Book No. I, Volume No. 163 dated 21/07/1981
- q) Sale Deed dated 26/08/1994, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 942 of Book No. I, Volume No. 299 dated 19/06/1995
- r) Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/10800/CAL/TCP-2022/18 dated 30/12/2022 issued by the Office of the Senior Towner, Town & Country Planning Department, Mapusa, Bardez - Goa





- s) Corrigendum bearing Ref. No.  
TPBZ/ZON/10800/CAL/TCP-2023/2008 dated  
29/03/2023 issued by the Office of the Senior  
Towner, Town & Country Planning Department,  
Mapusa, Bardez - Goa
- t) Nil Encumbrance Certificate bearing No.  
805/2023 dated 16/03/2023 in respect of the  
**SAID FIRST PROPERTY**
- u) Nil Encumbrance Certificate bearing No.  
804/2023 dated 16/03/2023 in respect of the  
**SAID SECOND PROPERTY**
- v) Certificate of Incorporation pursuant to Change  
of Name dated 20/12/2023 issued by Ministry of  
Corporate Affairs, Government of India, Mumbai,  
Maharashtra
- w) Survey Plan



II. DESCRIPTION OF THE PROPERTY:

SCHEDULE - I

ALL THAT property known as "**BATAREM**" also known as "**SAFARNEM**", situated at Village **Calangute**, within the jurisdiction of the Village Panchayat of Calangute, Taluka and Sub-District of Bardez, District of North-Goa, State of Goa, this property is registered under Land Registration Office under No. 38724 at page 102 of Book B-99 and is enrolled in the Taluka Revenue Office under Matriz No. 1519 of 2<sup>nd</sup> Circumscription.

The said property shall hereinafter referred to as the  
**SAID LARGER PROPERTY**

SCHEDULE - II

ALL THAT property known as "**BATAREM**", situated at Village **Calangute**, within the jurisdiction of the Village Panchayat of Calangute, Taluka and Sub-District of Bardez, District of North-Goa, State of Goa, this property is registered under Land Registration Office under No. 38724 at page 102 of Book B-99 and is



enrolled in the Taluka Revenue Office under Matriz No. 1519 of 2<sup>nd</sup> Circumscription and recently surveyed under survey No. **3/16** of Village Calangute, admeasuring **1275 sq. mts.** and the said property is bounded as follows:

Towards **East** : by the property bearing Survey No. 3/8-A and 3/8-B;

Towards **West** : by the property bearing Survey No. 3/4 and 3/3;

Towards **North** : by the property bearing Survey No. 3/5;

Towards **South** : by the Rivulet;

The said property shall hereinafter referred to as the

**SAID FIRST PROPERTY**

### **SCHEDULE - III**

ALL THAT property with coconut garden known as "**SAFARNEM**", situated at Village **Calangute**, within the jurisdiction of the Village Panchayat of Calangute, Taluka and Sub-District of Bardez, District of North-





Goa, State of Goa, this property is registered under Land Registration Office under No. 38724 at page 102 of Book B-99 and is enrolled in the Taluka Revenue Office under Matriz No. 1519 of 2<sup>nd</sup> Circumscription and recently surveyed under survey No. **3/5** of Village Calangute, admeasuring **625 sq. mts.** and the said property is bounded as follows:

Towards **East** : by the properties bearing Survey Nos. 3/8, 3/7 and 3/6;

Towards **West** : by the Rivulet;

Towards **North** : by the property bearing Survey No. 4/15;

Towards **South** : by the property bearing Survey No. 3/16;

The said property shall hereinafter referred to as the  
**SAID SECOND PROPERTY**

**TRACING OF PARTIES TITLE:**

1. Registo Do Agremensor and Cadastral Survey Records (Auto De Demarcacao) and Alphabetical



Index of the Village Calangute of the Taluka Bardez reveals that the **SAID LARGER PROPERTY** bearing old Cadastral Survey No. **3879** originally belonged to Heremenegildo Vicente De Souza.

2. Correspondence Certificate dated 27/03/2023 bearing No. 9(02)-83/DSLRL-2023/1110 issued by Directorate of Settlement & Land Records, Govt. of Goa, Panaji - Goa establishes that the **SAID LARGER PROPERTY** bearing old Cadastral Survey No. **3879** corresponds to Survey No. 3/5(Part) and 3/16 (Part) of Village Calangute, Bardez - Goa. *The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence*







3. Cadastral Survey Records and Registo Do Agrimensor are land records which were promulgated during the Portuguese Regime under the Codigo De Registo Rules. Under the said Rules, the said cadastral Survey Records and Registo Do Agrimensor were prepared on the basis of Ownership of the property and not just on the basis of possession. Although the said Registo is not a document of title, the same is indicative of the ownership status at the time of the survey.

4. Deed of Qualification and Partition dated 15/05/1942 reveals that the said Heremenegildo Vicente De Souza passed away leaving behind his widow and moiety holder, Mrs. Romaninha Libania Mascarenhas and the following legal heirs:

- (i) Jose Galdino de Sousa alias Galdino Jose de Sousa and his wife, Maria Quiteria de Sousa
- (ii) Miss Delfina Conceicao de Sousa
- (iii) Miss Maria Victoria de Sousa







(iv) Zeferino de Sousa

(v) Antonio de Sousa

5. Vide Deed of Qualification and Partition dated 15/05/1942, all the legal heirs of the said Heremenegildo Vicente De Souza partitioned his estate and 1/3<sup>rd</sup> share in the **SAID LARGER PROPERTY** was allotted in favour of Jose Galdino de Sousa alias Galdino Jose de Sousa and his wife, Maria Quiteria de Sousa and 2/3<sup>rd</sup> share in the **SAID LARGER PROPERTY** was allotted in favour of Miss Maria Victoria de Sousa.

6. The **SAID LARGER PROPERTY** is described under No. 38724 at page 102 of Book B-99 and 1/3<sup>rd</sup> of the **SAID LARGER PROPERTY** is inscribed on **23<sup>rd</sup> March 1959** under No. 39533 at folio 24 of Book G-43 in favour of Maria Quiteria de Souza or Matilda de Souza, widow of Jose Galdino de Souza. The said Inscription Certificate reveals that 1/3<sup>rd</sup> part of the



**SAID LARGER PROPERTY** was allotted to the said Maria Quiteria de Souza or Matilda de Souza, widow of Jose Galdino de Souza in the inventario orfanologico filed on the death of her husband, Jose Galdino de Souza vide Order dated 6<sup>th</sup> March 1957.

7. **Inscription and Description Certificates** are records maintained during the Portuguese Regime wherein the record of title was maintained. *Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevallant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription*





*Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.*

8. *The Hon'ble High Court of Bombay at Goa in the case of **Jossephine D'Costa V/s. Khushali Govind Naik Desai** and other reported at Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14<sup>th</sup> August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition*





*precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of tittle and possession in respect of the property claimed by them against none proved by the Defendants.*"

9. Vide Public Will dated 27/04/1967, the said Miss Maria Victoria de Sousa in the status of spinster, bequeathed all her assets, rights and share in favour of her spinster sister, Miss Delfina Conceicao de Sousa. It was further stated in the said Public Will dated 27/04/1967 that incase her said sister, Miss Delfina Conceicao de Sousa expires earlier to the testatrix than she institutes her universal heir, her nephew, Rufus de Souza, son of her brother Zeferino de Sousa and bequeaths all her assets, rights and share in his favour.





10. Vide Deed of Sale dated 11/03/1968, the said Antonio Souza alias Anthony Leonard Cruz D'Souza along with one Romaninha Libania de Souza sold 1/3<sup>rd</sup> part of the **SAID LARGER PROPERTY** in favour of Maria Quiteria de Souza alias Matilda de Souza, widow of Jose Galdino de Souza alias Galdino Jose de Souza.

11. Judgement dated 09/06/1979 passed in Regular Civil Suit No. 32/1972/Jr by the Civil Judge Junior Division Mapusa reveals that Matilda de Souza alias Maria Quiteria de Souza filed Suit for Partition against Zeferino de Souza, Martha de Souza, Maria Vitoria de Souza (Dr. Rufus de Souza) and R D'Souza and Anselmo alias Ansie D'Souza wherein Compromise Terms were filed

12. Vide Judgement dated 09/06/1979 passed in Regular Civil Suit No. 32/1972/Jr by the Civil Judge Junior Division Mapusa, compromise terms





were finalized and Northern Part corresponding to 1/3<sup>rd</sup> of the **SAID LARGER PROPERTY** was allotted to the defendants (i.e. Zeferino de Souza, Martha de Souza, (Dr. Rufus de Souza) and R D'Souza and Anselmo alias Ansie D'Souza) and Southern Part corresponding to 2/3<sup>rd</sup> of the **SAID LARGER PROPERTY** was allotted to the Plaintiff (i.e. Matilda de Souza alias Maria Quiteria de Souza)

13. Vide Sale Deed dated 27/05/1981, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 551 at pages 163 to 168 of Book No. I, Volume No. 163 dated 21/07/1981, the said Mrs. Matilda de Souza alias Maria Quiteria de Souza sold her Southern Part corresponding to 2/3<sup>rd</sup> of the of the **SAID LARGER PROPERTY** (i.e. the **SAID FIRST PROPERTY** bearing Survey No. 3/16 of Village **Calangute**, admeasuring **1236 sq. mts.**) in favour of Mrs. Marlene Feliciana Natividade Do Carmo D'Souza



14. Vide Sale Deed dated 26/08/1994, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 942 of Book No. I, Volume No. 299 dated 19/06/1995, the said (1) Mrs. Martha D'Souza, widow of Zeferino D'Souza, (2) Mr. Anselm Bosco De Souza, son of Zeferino D'Souza; (3) Mrs. Alice D'Souza; (4) Dr. Rufus Robert Anthony De Souza and his wife, Mrs. (DR.) Rosa Silvia Diniz D'Souza sold their Northern Part corresponding to 1/3<sup>rd</sup> of the **SAID LARGER PROPERTY (i.e. the SAID SECOND PROPERTY** bearing Survey No. **3/5** of Village **Calangute**, admeasuring **625 sq. mts.)** in favour of Mrs. Marlene Feliciana Natividade Do Carmo D'Souza
15. Vide Sale Deed dated 10/02/2023, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-815-2023 dated 20/02/2023, the said Mrs. Marlene Feliciana Natividade D Carmo D'Souza alias Marlana Feliciana





Natividade Do Carmo Lobo alias Marlene F. N. D'Souza alias Marlene F. N. Do Carmo D'Souza along with her husband, Mr. Reginaldo Aubrey Jude D'Souza alias Reginald Aubrey Jude D'Souza sold the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** bearing survey No. **3/16** of Village **Calangute**, Bardez - Goa and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** bearing survey No. **3/5** of Village **Calangute**, Bardez - Goa in favour of Nihchal Properties & Developers Private Limited Company.

16. The said Nihchal Properties & Developers Private Limited Company was consisting of two Directors, namely, Omprakash Nihchaldas Pariani and Namrata Omprakash Pariani and both directors retired from the said company w.e.f. 28/08/2023 by appointing new Directors, namely, Kapil Kumar Garg and Anjula Gupta.





17. After appointing new Directors, the said Directors, Kapil Kumar Garg and Anjula Gupta, vide Certificate of Incorporation pursuant to Change of Name dated 20/12/2023 issued by Ministry of Corporate Affairs, Government of India, Mumbai, Maharashtra, the name of Nihchal Properties & Developers Private Limited Company was changed to Antaara Buildwell Private Limited, having its Registered Office at 1101/1102, 11<sup>th</sup> Floor, Samarth Prasad, Lokhandwala Circle, Andheri (West), Mumbai, Maharashtra - 400053.

18. In view of above, the said Antaara Buildwell Private Limited became absolute owner in possession of the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** bearing survey No. **3/16** of Village **Calangute**, Bardez - Goa and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** bearing survey No. **3/5** of Village **Calangute**, Bardez - Goa



19. Manual Form I & XIV, Form III and Form IX are Revenue Records prepared under the applicable Goa Land Revenue Code

Manual Form I & XIV:

in respect of the **SAID FIRST PROPERTY** bearing Survey No. **3/16** of Village Calangute, Bardez - Goa clearly shows the name of Marlene F. N. do Carmo D'Souza as occupant in the Occupants column.

Manual Form I & XIV:

in respect of the **SAID FIRST PROPERTY** bearing Survey No. **3/5** of Village Calangute, Bardez - Goa clearly shows the name of Marlene F. N. do Carmo D'Souza as occupant in the Occupants column.

20. Under Section 105 of the Goa Land Revenue Code, a person reflected in Form I & XIV is presumed to be in possession of the property unless rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and

the entries are relatable to the said period of 1971 to 1975.

21. In light of above, considering the fact that the Alphabetical Index of the Village Calangute of the Taluka Bardez, Correspondence Certificate dated 27/03/2023 bearing No. 9(02)-83/DSLRL-2023/1110 issued by Directorate of Settlement & Land Records, Govt. of Goa, Panaji - Goa, Inscription Description Certificates, Deed of Qualification and Partition dated 15/05/1942, Public Will dated 27/04/1967, Deed of Sale dated 11/03/1968, Judgement dated 09/06/1979 passed in Regular Civil Suit No. 32/1972/Jr by the Civil Judge Junior Division Mapusa, Sale Deed dated 27/05/1981 and Sale Deed dated 26/08/1994 and Certificate of Incorporation pursuant to Change of Name dated 20/12/2023 issued by Ministry of Corporate Affairs, Government of India, Mumbai, Maharashtra and survey records in respect of the **SAID PROPERTY**





have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **ANTAARA BUILDWELL PRIVATE LIMITED** has clear and marketable title in respect of the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** bearing survey No. **3/16** of Village **Calangute**, Bardez - Goa and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** bearing survey No. **3/5** of Village **Calangute**, Bardez - Goa **SUBJECT** to the following.

- i. The Publication of Public Notice inviting objections from the general public, if any
- ii. Production of the Nil Encumbrance Certificate

IV. In addition to above, I have to make the following observations:

1. No tenants/Mundkars are reflected in the survey records of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.



2. The Urban Ceiling Act is not applicable to the State of Goa.
3. No Conversion **Sanad** has been furnished to establish that the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** are converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/10800/CAL/TCP-2022/18 dated 30/12/2022 issued by the Office of the Senior Towner, Town & Country Planning Department, Mapusa, Bardez - Goa along with Corrigendum bearing Ref. No. TPBZ/ZON/10800/CAL/TCP-2023/2008 dated 29/03/2023 issued by the Office of the Senior Towner, Town & Country Planning Department, Mapusa, Bardez - Goa has been



furnished which reveals that the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** bearing survey No. **3/16** of Village **Calangute**, Bardez - Goa and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** bearing survey No. **3/5** of Village **Calangute**, Bardez - Goa falls in "Residential Zone (S1) with permissible 100 FAR" as per Outline Development Plan for Calangute-Candolim Planning Area 2025.

5. No NOC is furnished from the Forest Department to establish that the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** are not identified as a Forest Land

V. **EVIDENCE OF POSSESSION:-**

The **SAID FIRST PROPERTY** bearing survey No. **3/16** and the **SAID SECOND PROPERTY** bearing survey No. **3/5** of Village **Calangute**, Bardez - Goa





reflects the name of **Nihchal Properties & Developers Private Limited Company** in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owner in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**. **HOWEVER IT IS ADVISABLE TO CARRY OUT MUTATION PROCEEDINGS IN RESPECT OF THE SAID PROPERTY**

VI. **ENCUMBRANCE ON PROPERTY:-**

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**. Nil Encumbrance Certificate bearing No. 805/2023 dated 16/03/2023 in respect of the **SAID FIRST PROPERTY** and Nil Encumbrance Certificate bearing No. 804/2023 dated 16/03/2023 in respect of the **SAID SECOND**

**PROPERTY** are furnished to establish that there is no encumbrance. **However updated Nil Encumbrance Certificate** needs to be furnished in respect of the **SAID PROPERTY**

**CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that **ANTAARA BUILDWELL PRIVATE LIMITED** has clear and marketable title in respect of the **SAID FIRST PROPERTY** admeasuring **1275 sq. mts.** bearing survey No. **3/16** of Village **Calangute, Bardez - Goa** and the **SAID SECOND PROPERTY** admeasuring **625 sq. mts.** bearing survey No. **3/5** of Village **Calangute, Bardez - Goa** **SUBJECT** to the following.

- i. The Publication of Public Notice inviting objections from the general public, if any
- ii. Production of the Nil Encumbrance Certificate
- iii. Observation made at para **V above**



➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.
- For the purpose of issuing this report on title:
  - (a) I have not carried out a negative search in respect of litigations (i) in relation to the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** and/or (ii) against the larger property; and
  - (a) I have taken the title documents under which Heremenegildo Vicente De Souza acquired the land as root of title.
- For the purpose of issuing this report on title, I have assumed:
  - (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned



copies and the authenticity of the originals of such documents;

- (a) that the documents of title set out in the report above have not been modified in any manner and are valid, subsisting and remain in force;
- (b) that all the documents relating to the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** and furnished to me have been validly executed and delivered by the parties to them;
- (c) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (d) that there are no pending litigations in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**; and
- (e) that names of persons spelt differently in different documents in respect of the **SAID**

**FIRST PROPERTY and the SAID SECOND  
PROPERTY are the same person.**

- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.
- This report on title is confined to the **SAID FIRST PROPERTY and the SAID SECOND PROPERTY** only.
- The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.



- The availability/existence of the access to the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** are not within the scope of this report.
- A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The report on title has been prepared in accordance with and is subject the laws of India.

Place:- Panaji-Goa.

Date:- 03/02/2024



**(Adv. Shivan S. Desai)**