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LEGAL SCRUTINY REPORT

This Legal Scrutiny Report is issued at the request of **Edcon Real Estate Developers**, a duly registered Partnership Firm, having its Principle place of business and office on the 5th Floor, Siddharth Bandodkar Bhavan, above Axis Bank Ltd. Dr. P. Shirgaonkar Road, Panaji, Goa, with respect to the following Plot described in Schedule hereunder written:

SCHEDULE (DESCRIPTION OF THE PLOT)

All that Plot of Land identified as Plot No.152 having an area of 525.00 square meters, originally constituting a part of larger property known as "NAGALLY" or "QUEUNDEM", situated at Taleigao, Taluka of Tiswadi, District of North Goa, in the State of Goa, located within the limits of the Village Panchayat of Taleigao and surveyed under the survey and sub-division no. 279/1 of the revenue village Taleigao, Goa and bounded on the East : By a Pedestrian Road, on the West : By Plot No. 153, On the North : By 6 meters wide road and on the South : By Plot No. 151 and is hereinafter referred to as the 'SAID PLOT'.

The photocopies of the following documents were submitted to me for verification, in respect to the said plot.



- i. Deed of Sale dated 06/11/1976 registered in the office of the Sub Registrar of Ilhas, at Panaji under registration no. 159 at pages 134 to 143 of Book No. I, Volume No. 113 registered on 02/03/1977.
- ii. Deed of Sale dated 24/01/1986, registered in the Office of the Sub Registrar of Ilhas, at Panaji under registration no. 9, pages 164 to 178, Book No. I, Volume No. 230 on 07/01/1987.
- iii. Deed of Exchange dated 05/08/1993 registered in the Office of the Sub Registrar of Ilhas at Panaji under registration no. 1216, Book No. I, Volume No. 253 on 16/09/1993.
- iv. Deed of Sale dated 27/05/1996 registered in the Office of the Sub Registrar of Ilhas, Tiswadi at Panaji under registration no. 994, pages 483 to 517, Book No. I, Volume No. 517 on 10/06/1996.
- v. Form No. I & XIV with respect to said plot bearing Survey No. 279/1 of the revenue Village Taleigao, Goa.
- vi. Survey Plan with respect to said plot bearing Survey No. 279/1 of the revenue Village Taleigao, Goa.
- vii. Memorandum of Understanding dated 08/11/2019.
- viii. Documents of Cancellation of Memorandum of Understanding dated 08/11/2019 made and executed on 07/09/2021.
- ix. Order under ref no. GPPDA/705/Tal/1079/2022 dated 05/01/2022 issued by Greater Panaji Planning and Development Authority.
- x. Construction Licence under ref no. VP/TLG/CONST.LIC/06/22-23/170 dated 18/04/2022 issued by Village Panchayat Taleigao.
- xi. Approved Plans of the building.
- xii. Agreement for Development dated 08/09/2021.

SCRUTINY OF DOCUMENTS

After careful examination of the above mentioned documents of title in respect to the said plot my observations are as under:



1. It is seen that the said plot originally belonged to Mr. Luciano J. Francisco Pinto and his wife, Mrs. Adelia Dos Remedios Furtado E. Pinto who sold the same to Mr. Kevin Clement Vaz, vide Deed of Sale dated 06/11/1976 registered in the office of the Sub Registrar of Ilhas, at Panaji, under registration no. 159 at pages 134 to 143 of Book No. I, Volume No. 113 registered on 02/03/1977.
2. The aforesaid Mr. Kevin Clement Vaz and his wife Mrs. Maria Luisa Vaz alias Luisa Vaz sold the said plot to Mr. Gerald Jesus Fernandes vide Deed of Sale dated 24/01/1986, registered in the Office of the Sub Registrar of Ilhas, at Panaji under registration no. 9, pages 164 to 178, Book No. I, Volume No. 230 on 07/01/1987.
3. Vide Deed of Exchange dated 05/08/1993 registered in the Office of the Sub Registrar of Ilhas at Panaji under registration no. 1216, Book No. I, Volume No. 253 on 16/09/1993, the said Mr. Gereald Jesus Fernandes and his wife Mrs. Florida Regina Fatima Fernandes exchanged the said plot in favour of the Models Construction Pvt. Ltd as per the terms and conditions stipulated therein.
4. Vide Deed of Sale dated 27/05/1996 registered in the Office of the Sub Registrar of Ilhas, Tiswadi at Panaji under registration no. 994, pages 483 to 517, Book No. I, Volume No. 517 on 10/06/1996, Mr. Savio Anthony Martins and Mrs. Anne Marie Martins also known as Annie Menezes Braganza purchased the said plot from Models Construction Pvt. Ltd.
5. The names of said Mr. Savio Anthony Martins and Mrs. Anne Marie Martins are mutated as occupants in the occupant's column of survey records Form No. I and XIV of survey and sub-division no. 279/1 admeasuring 525.00 sq. mts. under Mutation No. 279/1. No name of any person or persons is figuring in the tenant's column of survey and sub-division no. 279/1.



6. The aforesaid Mr. Savio Anthony Martins and Mrs. Anne Marie Martins had previously agreed to give the said plot to one Mr. Shawn Baptist Antonio Gracias in order to develop and put up construction of building in the said plot, vide Memorandum of Understanding dated 08/11/2019.
7. Thereafter, said Mr. Savio Anthony Martins and Mrs. Anne Marie Martins approached Edcon Real Estate Developers with the consent and concurrence of said Mr. Shawn Baptist Antonio Gracias to give the said plot to Edcon Real Estate Developers for the purpose to develop and put up construction of building which was in principle accepted by Edcon Real Estate Developers and accordingly said Memorandum of Understanding dated 08/11/2019 was cancelled vide document of cancellation dated 07/09/2021.
8. The aforesaid Mr. Savio Anthony Martins and Mrs. Anne Marie Martins as Land Owners have entered into an Agreement for Development dated 08/09/2021 with Edcon Real Estate Developers as Developers and agreed to give the said plot for development and put up construction of building in the said plot and have also permitted said Edcon Real Estate Developers to commence and carry on and complete construction activities in the said plot after obtaining approval of Plans and as per the terms and conditions that may be imposed by the licensing authorities and to sell the flats, apartments, shops consisting of super built-up area along with proportionate undivided share of land in the said plot to any third party, other than the super built-up areas allotted in terms of said Agreement for Development to the said Mr. Savio Anthony Martins, Mrs. Anne Marie Martins and said Mr. Shawn Baptist Antonio Gracias.



9. Pursuant to said Agreement for Development dated 08/09/2021 said Edcon Real Estate Developers have secured Order under ref no. GPPDA/705/Tal/1079/2022 dated 05/01/2022 issued by Greater Panaji Planning and Development Authority and Construction Licence under ref no. VP/TLG/CONST.LIC/06/22-23/170 dated 18/04/2022 from Village Panchayat Taleigao, for the construction of proposed building in the said plot as per the approved Plans.

OPINION

From the above documents produced for my scrutiny and after careful examination of the same, I am of the opinion that said Mr. Savio Anthony Martins and Mrs. Anne Marie Martins are the lawful owners in possession of the said plot and that they have clear and marketable title to the said plot surveyed under survey and subdivision no. 279/1 of village Taleigao, having an area of 525 square meters, subject to aforesaid Agreement for Development dated 08/09/2021.

A certificate of Nil Encumbrance in respect to the said plot shall be obtained from the Sub Registrar of Tiswadi to confirm that the said plot is not mortgaged to any person, bank or financial institution.

Place: Panaji, Goa.

Date: 04/11/2022



(Sarvesh Rivonkar)

Advocate