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**Date: 06<sup>th</sup> June 2023**

**CLIENT:**

**ASR PROJECTS AND VENTURES LLP**

**LLP Identification No. AAV-2350**

**PAN: ABTFA7082L**

**GSTIN: 19ABTFA7082L1ZL**

**Ground Floor, 2C Mahendra Dutta Road, Kolkata-700025**

**Kind Attention: Mr. Chandan Chatterjee, Designated Partner**

**TITLE AND SEARCH REPORT**

**Re: ALL THAT** piece and parcel of land measuring 05 cottahs 14 chittacks and 03 square feet, more or less, together with a three storeyed residential building constructed thereon measuring covered area of 4234 square feet, more or less, being Plot no. 562 of Block 'N' situated and lying at Municipal Premises No. 41 Biplabi Dinesh Majumder Sarani, Kolkata-700053, Post Office and Police Station: New Alipore, within the limits of Ward No. 81 and Borough No. X of the Kolkata Municipal Corporation [vide Assessee No. 110811400543], Sub-Registration Office Alipore, District South 24 Parganas, West Bengal (hereinafter referred as "**Subject Property**")

**Owner:** Sri Debjyoti Mukherjee, Sri Debasis Mukherjee and Sri Dilip Kumar Mukherjee, all sons of Late Dulal Gopal Mukherjee.

**BACKGROUND OF THE SUBJECT PROPERTY:**





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1. The Commissioners for the Port of Calcutta [hereinafter Port Commissioners] were seized and possessed of and were at all material times absolutely entitled to amongst other lands a plot of land measuring about 603 Bighas 18 cottahs, more or less in Shahpur, being a portion of Port Commissioners surplus land lying between Diamond Harbour Road and Tolly's Nullah, within the Municipal limits of the Corporation of Calcutta
2. The Hindusthan Co-operative Insurance Society Limited acquired 578 bighas of land, more or less in Shahpur, being a portion of Port Commissioners surplus land lying between Diamond Harbour Road and Tolly's Nullah, within the Municipal limits of the Corporation of Calcutta (hereinafter referred to as the '**Said Larger Land**'), by two Indentures of Conveyance dated the 23<sup>rd</sup> day of February, 1940 and 5<sup>th</sup> day of March, 1942 and registered at the Dist. Sub-Registry, Alipore [Book 1, Vol. 13 at pages 189 to 194, Being No. 563 of 1940 and Book 1, Vol. 30 at pages 129 to 136, Being No. 708 of 1942].
3. The Hindusthan Co-operative Insurance Society Limited decided to level the Said Larger Land, open out roads and subdivide the same in to small plots or sites in different Blocks suitable for residential purposes, under a scheme called, New Alipore Development Scheme No. XV and decided to sell such plots comprised in Said Larger Land.





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4. One Smt. Nripobala Bose, wife of Sri Nirode Kumar Basu approached The Insurance Society, for purchase of Plot no. 562 in Block N, measuring 05 cottahs 14 chittacks and 03 square feet, more or less being Plot no. 562 in Block N, forming part of the Said Larger Land (hereinafter referred to as the '**Said Land**') by a Sale Deed dated 10<sup>th</sup> day of March, 1952, Smt. Nripobala Bose, purchased and acquired the Said Land from The Hindusthan Co-operative Insurance Society Limited and registered the deed at Alipore Registration Office vide Book No. I, Volume No. 27, at Pages 77 to 81, being Deed No. 00152 for the year 1952), for a total consideration of Rs. 8761/- [Rupees Eight Thousand Seven hundred and Sixty One Only], of which Rs. 5250/- was the unpaid amount, for which the land was secured by mortgage to The Hindusthan Co-operative Insurance Society Limited,
5. Said Smt. Nripobala Bose was not been able to pay the entire consideration amount thereafter by and through a registered Deed of Mortgage dated 10<sup>th</sup> March, 1952 which was registered in the Office of Additional Registrar of Assurances Calcutta recorded in Book-I, Volume No. 24, at Pages 122 to 130, as being Deed No. 01523 of 1952 mortgaged the Said Land in favour of the aforesaid The Hindusthan Co-operative Insurance Society Limited.
6. Thereafter by and through a registered Sale Deed dated 05<sup>th</sup> day of December, 1958 said Smt. Nripobala Bose sold, transferred and assigned the Said Land i.e. land measuring about 05 cottahs 14





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chittacks and 03 square feet, more or less being Plot no. 562 of Block 'N' of the Hindustan Co-operative Insurance Society's Development Scheme no. XV lying within the Port Commissioner's Surplus Land lying between Diamond Harbour Road and Tolly's Nullah situated and lying at 23A, Diamond Harbour Road under P.S. Alipur, District 24 Parganas within the limits of Calcutta Municipal Corporation in favour of Sri Dulal Gopal Mukherjee. The said deed was registered in the office of District Sub-Registrar, Alipore, recorded in Book-I, Volume No. 167, at Pages from 241 to 245, as being Deed No. 10030 for the year 1958 for the consideration therein mentioned.

7. Prior to the execution of the Sale Deed, Smt. Nripobala Bose had unpaid dues of Rs. 5992.18/-, being the principal and all interest due to Life Insurance Corporation of India [established under the Life Insurance Act of 1956], which was paid out of the consideration amount received from the purchaser and a Re-conveyance was duly executed on 4<sup>th</sup> day of December, 1958, in favour of Smt. Nripobala Bose by the Life Insurance Corporation of India.
  
8. Smt. Nripobala Bose conveyed and transferred absolutely and fully to Sri Dulal Gopal Mukherjee, the said revenue-free plot of land, measuring 05 cottahs 14 chittacks and 03 square feet, more or less, free from all encumbrances and thereafter, Sri Dulal Gopal Mukherjee constructed a three storied residential building thereon, measuring





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covered area of 4234 square feet, more or less, as per the sanctioned building plan of the Calcutta Municipal Corporation.

9. Sri Dulal Gopal Mukherjee, son of Sri Nanda Gopal Mukherjee during his life time executed a Family Settlement or WILL dated 13<sup>th</sup> May 1989 (hereinafter referred as the "**Will**"), whereby and whereunder he bequeathed inter alia settlement in respect of **ALL THAT** piece and parcel of land measuring 05 cottahs 14 chittacks and 03 square feet, more or less, **TOGETHER WITH** a three storeyed residential building constructed thereon measuring covered area of 4234 square feet, more or less, situated and lying at Municipal Premises No. 41 Biplabi Dinesh Majumder Sarani, Kolkata-700053, Post Office and Police Station: New Alipore, within the limits of Ward No. 81 and Borough No. X of the Kolkata Municipal Corporation, Sub-Registration Office Alipore, District South 24 Parganas, West Bengal **TOGETHER WITH** all other easement, quasi-easement rights, benefits, privileges appurtenant thereto (hereinafter referred as the "**Subject Property**") and the said Sri Dulal Gopal Mukherjee appointed his wife Smt. Sarbani Mukherjee as the Sole Executrix of the said Will **subject to the life interest of both** Sri Dulal Gopal Mukherjee and his wife Smt. Sarbani Mukherjee and beneficiaries interest in favour of his three sons namely, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee.
  
10. In terms of the said Will said Smt. Sarbani Mukherjee being the





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absolute owner of the Subject Property, and after demise of Sri Dulal Gopal Mukherjee and Smt. Sarbani Mukherjee the Subject Property shall devolve upon his three sons, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee, as absolute and joint owners in the Subject Property, and no rights in the Subject Property shall be devolved upon Smt. Shanti Banerjee, the only daughter of Sri Dulal Gopal Mukherjee, as she had not shown any interest in the Subject Property.

11. The said Sri Dulal Gopal Mukherjee, a Hindu governed by the Dayabhaga School Law died testate on 05<sup>th</sup> June 1993 and consequent to his demise, Probate was granted by the Hon'ble High Court at Calcutta on 22<sup>nd</sup> day of September, 1944 [PLA No 147 of 1944].
12. In terms of the said Will Smt. Sarbani Mukherjee, wife of Late Dulal Gopal Mukherjee became the absolute owner in respect of the Subject Property.
13. The said Smt. Sarbani Mukherjee, wife of Late Dulal Gopal Mukherjee, a Hindu governed by the Dayabhaga School of Hindu Law, died intestate on 13<sup>th</sup> December 2014 and in terms of the said Will her three sons, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (iii) Sri Dilip Kumar Mukherjee jointly and equally became the joint





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and absolute owners of the Subject Property, each having an undivided 1/3<sup>rd</sup> share and/or interest therein, as per the Hindu Succession Act 1956.

14. In the above mentioned circumstances, the said (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (iii) Sri Dilip Kumar Mukherjee, became the joint and absolute owners of the Subject Property and they got their respective names mutated in the records of the Assessment-Collection Department of the Kolkata Municipal Corporation in respect of the Subject Property vide Assessee No. 110811400543 vide Mutation Case No. O/081/18-APR-22/135295 dated 18<sup>th</sup> April 2022 and duly paid taxes thereof.

## **SEARCHES CONDUCTED:**

### **1. Registration Office Searches:**

We have conducted Index-I and Index-II manual period along with online period searches for the search period of 30 years i.e. 1992 till 2023 in the Offices of the **(a)** Additional District Sub-Registrar, Alipore, District South 24 Parganas **(b)** District Sub-Registrar I, II, III, IV and V, Alipore, District South 24 Parganas and **(c)** Additional Registrar of Assurances-I, II, III and IV, Kolkata.

However, following entries as mentioned below were found in the office





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of DSR-II, Alipore encumbering the Subject Property. The search receipts thereof are marked as "**Annexure-A**".

- (i) Development Agreement or Construction Agreement being No. I-160203297 of 2023 [Date of Registration being 15.03.2023],
- (ii) Power of Attorney being No. I-160203340 of 2023 [Date of Registration being 15.03.2023]
- (iii) Declaration No. I-160205213 of 2023 [Date of Registration being 13.04.2023], and
- (iv) Power of Attorney No. I-160203317 of 2023 [Date of Registration being 15.03.2023]. Copies not provided.

## **2. Court Searches:**

We have caused necessary searches for the title suit or title execution cases against in the name of Debjyoti Mukherjee (the Owner herein) before the Ld. Court of the 01<sup>st</sup> Civil Judge, (Senior Division) at Alipore, South 24 Parganas and Ld. Court of the 2<sup>nd</sup> Civil Judge (Junior division) at Alipore, South 24 Parganas for the search period 2012 till 25/04/2023 against the Subject Property and no litigations was found against the name of Debjyoti Mukherjee (the Owner herein). The Original Court search reports issued by the concerned Sheristadar of the said Ld. Courts are annexed herewith and marked as **ANNEXURE "B"**.





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### **3. KMC Searches:**

Online searches were conducted in the official website of Kolkata Municipal Corporation (KMC) against Subject Property and it appears from the conducted searches that the (, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee have recorded their names in respect of the Subject Property in the records of the Assessment-Collection Department of the KMC vide Assessee No. 110811400543, and the Subject property is recorded in KMC records as "Dwelling House & Land". And upon examination no outstanding municipal taxes have been found due in respect of the Subject Property. Moreover, as per the assessment-register of KMC, the Municipal Premises No. 41 Biplabi Dinesh Majumder Sarani, Kolkata-700053 is neither a heritage property (under pending list of KMC) nor a graded heritage property. No pending general revaluation (GR) is due against the Subject Property, which is done till 04<sup>th</sup> quarter of 2021. The copies of the KMC No Dues Certificate (NOC) and Assessment-Register Copy (ARC) are annexed herewith and marked as **ANNEXURE C**.

### **OBSERVATIONS:**





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1. The said owners, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee have executed a Development Agreement dated 15<sup>th</sup> March 2023 registered in the Office of the District Sub-Registrar-II, Alipore, District South 24 Parganas and recorded in Book-I, Volume no. 1602-2023, at Pages 123894 to 123973, being Deed No. 160203297 for the year 2023, wherein they appointed ASR Projects and Ventures LLP, represented by Designated Partner, Amitava Singha Roy, as the developer of the Subject Property.
2. The said owners, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee also executed a Power of Attorney dated 15<sup>th</sup> March 2023 registered in the Office of the District Sub-Registrar-II, Alipore, District South 24 Parganas and recorded in Book-I, Volume no. 1602-2023, at Pages 121666 to 121683, being Deed No. 160203340 for the year 2023, wherein they appointed ASR Projects and Ventures LLP, represented by Designated Partner, Amitava Singha Roy, as their true, lawful and constituted attorney, being the developer of the Subject Property.
3. The said owners, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee along with Amitava Singha Roy (being the Designated Partner of ASR Projects and Ventures LLP) executed a Declaration dated 13<sup>th</sup> April 2023 registered in the Office of the District Sub-Registrar-II, Alipore, District South 24 Parganas and





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recorded in Book-I, Volume No. 1602-2023, at Pages 165301 to 165314, being Deed No. 160205213 for the year 2023 in respect of the Subject Property.

4. The said owners, (i) Sri Debjyoti Mukherjee, (ii) Sri Debasis Mukherjee and (ii) Sri Dilip Kumar Mukherjee also executed another Development Power of Attorney dated 15<sup>th</sup> March 2023 registered in the Office of the District Sub-Registrar-II, Alipore, District South 24 Parganas and recorded in Book-I, Volume no. 1602-2023, at Pages 123611 to 123637, being Deed No. 160203317 for the year 2023, wherein they appointed ASR Projects and Ventures LLP, represented by Designated Partner, Amitava Singha Roy, as their true, lawful and constituted attorney, being the developer of the Subject Property.
5. No copy of Agreement for Sale, between Smt. Nripobala Bose and Sri Dulal Gopal Mukherjee, dated 25<sup>th</sup> day of September, 1958 has been submitted to us.
6. No copy of Deed of Re-conveyance dated 4<sup>th</sup> day of December, 1958 executed by the Life Insurance Corporation of India in favour of Smt. Nripobala Bose has been submitted.

### **CONCLUSION:**

We would however mention that the searches undertaken by us relate to encumbrances and attachments created by act of parties and do not extend





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to charge created by operation of law like statutory charges on default of payment of Income Tax, Sales Tax and other Government dues.

This is a preliminary title opinion provided by us, based on the photocopies of documents pertaining to the Subject Property supplied to us.

**Subject To** our observations aforesaid, we are of the opinion that (1) Sri Debjyoti Mukherjee, (2) Sri Debasis Mukherjee and (3) Sri Dilip Kumar Mukherjee (the Owners herein) have a clear and marketable title in respect of the entirety of the Subject Property and have absolute right to transfer the entirety of the Subject Property. However development rights in respect of the Subject Property have already been given to ASR Projects and Ventures LLP.

Yours faithfully,

For **M/s. Supriyo Basu & Associates**



**Sourav Banerjee**, Advocate

