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REPORT ON TITLE

In the matter of:

Premises No. 2B/1 Dover Road, P.S. Ballygunge, Kolkata – 700 019.

App

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GLOSSARY

Subject Property or	means ALL THAT piece and parcel of land measuring 17 Cottahs,		
Said Property	15 Chittaks and 16.56 Square Feet more or less (on actual measurement found to be more or less 18 cottahs 4 chittaks and 25 square feet) being Premises No. 2B/1, Dover Road, P.S. Ballygunge, under Ward No. 69 of the Kolkata Municipal Corporation, District South 24-Parganas, Kolkata – 700019.		
Owner	means SMITKRITI ENTERPRISES PRIVATE LIMITED, a Company within the meaning of Companies Act, 2013, having its registered office at 24, Park Street, Kolkata – 700 016.		
Client	means CELICA DEVELOPERS PRIVATE LIMITED , a Company within the meaning of Companies Act, 2013, having its registered office at 24, Park Street, Kolkata – 700 016.		
Disclosed Documents	means the copies of the title deeds and other documents relating to the Subject Property, as per list contained in Appendix I to our this Note, made available to us from time to time for our verification and preparation of this Note.		
Note	means this Report prepared by Mr. Supriyo Singh, Advocate in respect of the Subject Property on the basis of the information, Disclosed Documents and instructions supplied to us by the Client and the searches and/or investigations caused to be conducted and/or information made available at various Government Offices and Courts, as detailed in this Note.		



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I. INTRODUCTION

- 2.1 I have been instructed by the Client to prepare a report on title in respect to the Subject Property.
- 2.2 This Report has been prepared exclusively for the use of the Client and it is not to be provided to or relied upon by, nor is any responsibility, duty or liability, accepted to any third party without our prior written consent. We have been asked to compile this written Note summarizing key legal issues arising from our study.
- 2.3 This Report does not attempt to comment on and/or has any bearing or responsibility whatsoever with regard to the credentials of the Owners of the Subject Property.
- 2.4 This Report should be read in full. However, the issues set out within each topic highlight briefly the matters which we believe may be of particular concern or interest to the Client.
- 2.5 This Report has been prepared pursuant to a study carried out in the months of February, 2019 to August, 2019. The scope of my assignment does not extend to updating this Report for events and circumstances occurring after the dates on which the study was carried out.
- 2.6 While carrying out the searches and title investigation, I have not undertaken searches of any other public registers in the course of our enquiries, except those specifically indicated in this Report.

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III. DISCLOSED DOCUMENTS, DEVOLUTION OF TITLE AND OBSERVATIONS ON DISCLOSED DOCUMENTS

3.1 I commenced my study by a review of the Disclosed Documents made available to me by the Client. Apart from the Disclosed Documents, no other documents have been provided to me.

3.2.1 It appears from the Disclosed Documents that:-

- a) Subodh Chandra Mitter claims to be seised and possessed of and/or otherwise well and sufficiently entitled to as the absolute owner of ALL THAT pieces and parcels of land measuring 1 Bigha 7 Cottahs 4 Chittacks and 22 Sq.Ft, more or less, together with two storied brick-built dwelling house with out houses, godowns, sheds and other erections standing thereat, all situate lying at and being premises No. 2B, Dover Road, Calcutta ("the Mother Property").
- By a Deed of Lease dated 31st January, 1936 made between the said Subhodh Chandra Mitter, therein referred to as Lessor of the One Part and Dewan Bahadur Bawa Ramnik Singh, therein referred to as the Lessee of the Other Part and registered with the Calcutta Registry office in Book no I, Volume No. 39, Pages 1 to 6, Being No. 324 for the year 1936, the Lessor therein, granted lease, unto and to the Lessee therein of the Mother Property for a period of 999 years commencing from 15th May, 1935 and expiring on 14th May, 2934.
- c) By a Deed of Conveyance dated 31st January, 1936 made between Subodh Chandra Mitter, therein referred to as Vendor of the One Part and Dewan Bahadur Bawa Ramnik Singh, therein referred to as the Purchaser of the Other Part, and registered with Calcutta Registry Office in Book no. I,

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Volume no 32 at pages 1 to 7, being no 325 for the year 1936, the Vendor therein sold, conveyed and transferred at and for the consideration mentioned therein, unto and to the Purchaser therein, the Mother Property. The instant sale was with the intent that the term of nine hundred and ninety nine years granted by the aforesaid Deed of Lease dated 31st January, 1936, shall thenceforth be absolutely merged and extinguished in reversion and inheritance, expectant on the determination of the said term.

- d) The said, Dewan Bahadur Bawa Ramnik Singh a Hindu, governed by Mitakshara School of Hindu Law, died intestate on August 1945, leaving behind and surviving him his widow, Ramnik Singh, son Bawa Terlok Singh and his grandson Diljit Singh (son of Bawa Terlok Singh) as his only legal heirs.
- e) The said, Mrs Ramnik Singh, a Hindu, governed by Mitakshara School of Hindu Law, died intestate on March 1946, leaving behind and surviving him her son Bawa Terlok Singh and her grandson Diljit Singh (son of Bawa Terlok Singh) as her only legal heirs.
- By a Deed of Conveyance dated 13th September, 1952 made between Bawa Tirlok Singh (Karta) and his son Bawa Diljeet Singh (Adult male member of HUF), therein referred to as Vendors of the One Part and Beharilal Thakurdas Thakur, therein referred to as the Purchaser of the Other Part, and registered with the Registrar of Assurances, Calcutta in Book number I, Vol no. 80, at pages 271 to 280, being Deed no 3188 for the year 1952, the Vendors therein sold, coveyed and transferred the Mother Property at and for the consideration mentioned therein, unto and to the Purchaser therein.
- g) By a Deed of Indemnity dated 13th September, 1952 made between Bawa Terlok Singh for self and as Karta and his son Bawa Diljeet Singh, therein



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jointly referred to as the Obligors of the One Part and Beharilal Thakurdas Thakur, therein referred to as the Obligee of the Other Part and registered with Registrar of Assurances, Calcutta in Book No. I, Volume No. 78 at pages 254 to 158 being Deed No. 3187 for the year 1952, the Obligors therein did covenant with the Obligee that they shall well and sufficiently indemnify save harmless and keep indemnified the Obligee against any action, suit, proceedings, losses, damages, costs, charges, expenses, claims and demands in respect of sale of the aforesaid premises No.2B, Dover Road, containing land area measuring 1 Bigha 7 Cottahs 4 Chittacks and 22 Sq.ft. in consequence of non-production of originals of Indenture of Lease dated 31st January, 1936 and the said Deed of Conveyance dated 31st January, 1936 by the Obligors to the Obligee.

- h) The said Beharilal Thakurdas Thakur a Hindu, governed by Mitakshara School of Hndu Law, died intestate on 2nd January, 1973, leaving behind surviving hlm his three sons Anand Beharilal Thakur, Kankan Beharilal Thakur and Nilratan Beharilal Thakur and his two married daughters Smt. Hira Rani Panikar and Smt. Hansa Kumari Dev Burman, as his only legal heirs, each aquiring an undivided 1/5th share in the Mother Property.
- The said Nilratan Beharilal Thakur instituted a suit being T.S. No. 155 of 1982 in the Court of Sub-Judge at Alipore for partition of the Mother Property which was subsequently transferred to High Court of Calcutta and was numbered as E.O.S. No.5 of 1984. A prelimininary decree dated 26th September, 1984 was passed by the Hon'ble High Court of Calcutta declaring that each one of the said Anand Kumar Beharilal Thakur, Shri Kankan Beharilal Thakur, Nilratan Beharilal Thakur, Smt. Hira Rani Panikar and Smt. Hansa Kumari Dev Burman are entitled to an undivided 1/5th share each in the aforesaid premises. By the self same order Mrs. Indrani Chatterjee was also appointed as the Commissioner of Partition.

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j) In the said Partition Suit, an Order was passed by the Honble High Court at Calcutta on 12th October, 1988, wherein the Commissioner of partition, Mrs, Indrani Chatterjee was directed to allot the Mother Property to one Hansa Kumari Dev Barman.

- k) The said Kankan Beharilal Thakur a Hindu, died on 25th September, 1993 domiciled in England and Wales and bequeathed all his property to his two daughters Linda Bostock and Tara Carman by means of a Will and Testament dated 24th Ocotber, 1983. The Probate in respect of the said Will was granted by the District Registrar, High Court of Justice, the District Probate Registry at Oxford on 1st August, 1995.
- The said Anand Beharilal Thakur obtained the Letter of Administration with an authenticated copy of the Will of Kankan Beharilal Thakur probated in the High Court of Justice and Administration at Oxford from District Judge in Charge, 24 Parganas (South) on 30th June, 2000 in Case No.7 of 1999.
- m) By a Deed of Gift dated 30th November, 1995 made between Hira Rani Panikar, therein referred to as the Donor of the One Part and Shri Anand Kumar Beharilal Thakur, therein referred to as the Donee of the Other Part and registered with the Addl. Registrar of Assurances, Calcutta in Book no 1, Vol no 101, at pages 192 to 202, being Deed no 3601 for the year 1996, the Donor therein out of natural love and affection granted, conveyed, transferred, assigned and assured as and by way of gift in favor of the Donee therein all her undivided 1/5th share in the Mother Property absolutely and forever.

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- By a Deed of Gift dated 29th Decemeber, 1995 made between Linda Bostock, therein referred to as the Donor of the One Part and Anand Beharilal Thakur, therein referred to as the Donee of the Other Part and registered with the Addl. Registrar of Assurances, Calcutta in Book no 1, Vol no 102, at pages 203 to 213, being Deed no 3602 for the year 1996, the Donor therein out of natural love and affection granted, conveyed, transferred, assigned and assured as and by way of gift in favor of the Donee therein all her undivided 1/10th share in the Mother Property absolutely and forever.
- By a Deed of Gift dated 29th Decemeber, 1995 made between Tara Carman, therein referred to as the Donor of the One Part and Shri Anand Beharilal Thakur, therein referred to as the Donee of the Other Part and registered with the Addl. Registrar of Assurances, Calcutta in Book no 1, Vol no 102, at pages 214 to 224, being Deed no 3603 for the year 1996, the Donor therein out of natural love and affection granted, conveyed, transferred, assigned and assured as and by way of gift in favor of the Donee therein all her undivided 1/10th share in the Mother Property absolutely and forever.
- p) The said Nilratan Beharilal Thakur, a Hindu, governed by the Mitakshara school of Hindu Law, died intestate on 12th November, 1999 leaving behind him surviving his wife Arati Thakur as sole legal heiress and representative. The Hon'ble High Court at Calcutta was pleased to substitute the said Nilratan Behari Thakur with Arati Thakur as his legal heir in the said Partition Suit being No. EOS No. 5 of 1984.
- q) The said Partition Suit was finally disposed off by an Order dated 21st September, 2005, whereby the Mother Property was divided into two lots Lot A and Lot B, Lot A measuring around 8 cottahs 7 chittacks 10.44 sq. feet



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and Lot B measuring about 17 cottahs 15 chittacks and 16.56 sq.ft respectively on the basis of the Terms of Settlement filed by the parties in the Suit and the Report of the Commissioner of Partition, Lot A was absolutely allotted and vested to Arati Thakur and Hansa Kumari Devi whereas Lot B was vested in favour of Anand Beharilal Thakur for self and as Administrator to the estate of Kakan Beharilal Thakur.

- r) In the premises the said Anand Beharilal Thakur became the sole and absolute owner of Lot B land being the Subject Property free from all encumbrances.
- February, 2009 in the records of the Kolkata Municipal Corporation in the name of Anand Beharilal Thakur and numbered as 2B/1, Dover Road, Kolkata 700019.
- t) By a Development Agreement dated 17th November, 2012 made between Anand Kumar Beharilal Thakur, therein referred to as Owner of the One Part and Celica Developers Private Limited, therein referred to as the Developer of the Other Part, and registered with the Additional Registrar of Assurances I in Book No I, CD Volume No. 22 in pages 652 to 676 being Deed No. 10560 of the year 2012, the said Anand Kumar Beharilal Thakur appointed Celica Developers Private Limited, as a developer to develop and construct upon the Subject Property.
- u) By a Deed of Conveyance dated 31st July, 2015 the said Anand Kumar Beharilal Thakur therein referred to as the Vendor of the One Part and Smritkriti Enterprises Private Limted therein referred to as the Purchaser of the Other Part and registered with the Additional Registrar of Assurances I in Book no. I, Volume no 101-2015 in pages 47751-47781, being Deed No.

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190106438 for the year 2015, the Vendor therein sold, coveyed and transferred the SubjectProperty at and for the consideration mentioned therein, unto and to the Purchaser therein absolutely and forever.

- v) In the abovementined circumstances Smitkriti Enterprises Private Limted became the sole and absolute owner of the Subject Property, free from all encumbrances absolutely and forever.
- W) The said Smitkriti Enterprises Private Limted thereafter duly mutated its name in the records of the Kolkata Municipal Corporation being Assessee No. 110691901270.
- x) By a fresh Certificate of Incorporation pursuant to change of name issued by the Registrar of Companies, Kolkata, the name of Smitkriti Enterprises Private Limited was changed to Celica Properties Private Limited with effect from 31st January, 2019

IV. SEARCHES MADE AND OBSERVATION ON SEARCHES

4.1 Registration Offices

I had appointed Mr. Pranab Chakraborti to carry out searches for the last 30 years and to detect entries in Index – I Registers maintained name wise and in Index – II Registers maintained property description wise at the concerned three registration offices, viz., Registrar of Assurances, Calcutta; District Registrar; and Additional District Sub-Registrar in respect of the following names and property description:-

Names against which searches caused to be done in Index - I Registers:

SL. No.	Name	Husband/Father's	Period for
		name	Searches



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SL. No.	Name		d/Father's	Period for Searches
1.	Kankan Beharilal Thakur	Beharilal Thakur	Thakurdas	1989 - 1993
2.	Tara Carman	Kankan Thakur	Beharilal	1993 - 1995
3.	Linda Bostock	Kankan Thakur	Beharilal	1993 - 1995
4.	Hira Rani Panikar	Beharilal Thakur	Thakurdas	1989 - 1995
5.	Anand Kumar Beharilal Thakur	Beharilal Thakur	Thakurdas	1989 - 2015
6.	Smitkriti Enterprises			2015 - 2018
7,	Celica Developers Private Limited			2012-2018

Premises against which searches caused to be done in Index - II Registers:

SL. No.	Premises/Dag Nos.	Period	
1.	2B, Dover Road	1989-2018	
2.	2B/1, Dover Road	1989-2018	

Comment:

While causing to be made searches in the Index – I Registers, as aforesaid, no entries were detected as adversely affecting the title of the Owner to the Subject Property. A copy each of the search receipts and the Notes submitted by my said search assistant is annexed hereto and marked as **Annexure** "A".

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While causing to be made searches in the Index – II Registers, as aforesaid, no entries were detected as adversely affecting the title of the Owner to the Subject Property. A copy each of the search receipts and the Notes submitted by my said search assistant is annexed hereto and marked as **Annexure** "B"

I may, however, record here that during the course of the above searches, some of the Registers kept at the above registration offices were not produced or found to be badly maintained or missing; many of them are in poor condition and several pages of such Registers were either found to be torn or heavily damaged; all these therefore leave a scope of entries, if any, having been recorded on such missing registers, registers not provided, damaged, destroyed and/or torn pages, escaping detection without notice.

4.2 Courts

I had appointed Mr. Pranab Chakraborti to conduct searches in the Courts of the Additional Civil Judge, Junior Division at Alipore and Civil Judge, Senior Division Court at Alipore [these 2 Courts can entertain suits in respect of properties falling under the jurisdiction of P.S. Ballygunge, within whose jurisdiction the subject property falls for the last 12 years for any Title Suit or Money Suit or Title Execution Case or Money Execution Case filed by or against the following:

Sl. No.	Name	Relation	Period for Searches
1	Anand Kumar Beharilal Thakur	Beharilal Thakurdas Thakur	1989 – 2015
2	Smitkriti Enterprises		2015 - 2018
3	Celica Developers Private Limited		2012-2018

Comment:

According to the Notes obtained from the offices of the aforesaid two Courts, it appears that no such Title Suit or Title Execution Case or Money Suit or Money



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Execution Case filed by or against them from 1989 - 2018. The Court Information Applications are answered by the Court staff and, inspection of registers is not allowed to us. A copy each of the said Court Information Applications duly answered is annexed hereto and marked as **Annexure** "C".

4.3 The Kolkata Municipal Corporation

Searches were carried out at the website of the Kolkata Municipal Corporation in respect of Assessee No. 110691901270 on 31st August, 2019 to ascertain whether there is any outstanding on account of any property tax in respect of the Subject Property.

Comment:

According to the Report obtained, as aforesaid, it appears that no demand / outstanding / due on account of property tax in respect of the Subject Property is payable. A copy of the said Report is annexed hereto and marked as D-1.

4.4 Letters issued under the Right to Information Act, 2005

We have issued following Letters under the Right to Information Act, 2005 to obtain necessary information from the respective addressees, as hereunder:

a) Letter dated 22nd August, 2019 issued to the Urban Land Ceiling Branch, Urban Development Department, Governent of West Bengal to ascertain (i) whether any Return under Section 6(1) of the Urban Land (Ceiling & Regulation) Act, 1976 has been filed in respect of the Subject Property, (ii) whether any proceeding under the Urban Land (Ceiling & Regulation) Act, 1976 is pending in respect of the Subject Property, and (iii) whether any vesting under the Urban Land (Ceiling & Regulation) Act, 1976 has taken place in respect of the Subject Property.



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Comment:

Pursuant to the application the SPIO & Deputy Secretaryto the Government of West Bengal, Urban Development and Municipal Affairs Department vide Memo No. 1090-UL/0/1R-31/2019 dated 26th August, 2019 has forwarded such application to the Competent Authority under the Urban Land (C &R) Act, 1976.

The Application and the replies threto are annexed herewith and marked E $\bf 1$ to D -2.

b) Letter dated 22nd August, 2019 issued to the Law Department, Kolkata Municipal Corporation to ascertain whether any suit or proceeding pending by or against the Kolkata Municipal Corporation in respect of the Subject Property.

Comment:

The SPIO, Law Department, Kolkata Municipal Corporation vide memo No. L-57/Law/RTI/2019 dated 27th August, 2019 has informed that there are no suits or proceedings pending by or against the Kolkata Municipal Corporation in respect of the Subject Property before the Hon'ble High Court at Calcutta, Ld. Sealdah Court and Ld. City Civil Court, Calcutta. The application and the reply thereto are annexed herewith and marked D -3 and D -4 respectively.

c) Letter dated 22nd August, 2019 issued to the Additional Land Acquisition Collector, Land Acquisition Department, Government of West Bengal to ascertain whether any proposed or pending acquisition proceeding is affecting the Subject Property.

Comment:

No information has been received pursuant to such application. The application dated 22^{nd} August 2019 is annexed herewith and marked D-5.

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d) Letter dated 22nd August, 2019 issued to the Public Information Officer & the Controller, Kolkata Thika Tenancy, to ascertain whether any suit or proceeding under the West Bengal Thika Tenancy Acquisition & Regulation) Act, 2001 is pending in respect of the Subject Property.

F&M Comment:

No information has been received pursuant to such application. The application dated 22nd August 2019 is annexed herewith and marked D-6.

V. CONCLUSION

- 5.1 It appears from the documents disclosed that the title of the Owners to the Subject Property can be said to be free from encumbrances upon satisfactory resolution of and subject to the following:-
 - Qualifications by way of comments given in respect of each of the topics aforesaid.
 - ii) Inspection of the original Title Deeds mentioned in Appendix I.
 - iii) Inspection of the documents mentioned in Section 3.2 of this Note.
 - iv) Searches which could not be made and our comments on the searches made, as aforesaid.

I. DISCLAIMER

- 6.1 In connection with this Report, it should be noted that:
 - (a) The accuracy of this Report necessarily depends on an assumption that the

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Disclosed Documents are true, complete and accurate (I have no reason to believe otherwise);

- (b) I have assumed that all documents, responses and other information provided to us, whether oral or written, are accurate and complete. I have assumed that all photocopies of documents provided to me conform to the original underlying documents. I therefore disclaim any responsibility for any forgery, misinformation, incorrect or incomplete information arising out of the documents, responses and other information furnished to me;
- (c) I have not made any enquiry into the source of consideration monies paid by any person who has from time to time bought any part or parcel of the Subject Property, whether the same was paid out of such person's own lawful sources of income, and I do not make any comment on whether any part or parcel of the Subject Property or such transaction at all is or can be affected by the provisions of the Benami Transactions (Prohibition) Act, 1988 [as amended by the Benami Transactions (Prohibition) Amendment Act, 2016] and/or the Prevention of Money-Laundering Act, 2002 [as amended by the Prevention of Money-Laundering (Amendment) Act, 2012];
- (d) I have also assumed that the persons who have executed and/or presented for registration before any Registrar any document for sale or purchase of any part or parcel of the Subject Property in the name of any company or partnership firm, were duly authorised by the Board of such company or other partners of such partnership firm, as the case may be, in that behalf in accordance with the provisions of applicable laws;
- (e) I had appointed Mr. Pranab Chakraborti, to carry out necessary searches in respect of the subject property at the offices of the concerned Registrars and Courts, as aforesaid, and my this Report is based on the findings of such searches. I have not undertaken any other searches of public registers in the course of this exercise, except as specifically indicated in this Report;



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(f) This Report has been prepared for and is limited to comment only on various legal issues involved in and the marketability of the title of the Owners of the subject property and the impact it can have on the transaction, and not otherwise;

- (g) I have presumed that all the documents provided to me were true and genuine and have not made any attempts to authenticate any of the signatures or stamp duty affixed to any of the documents nor have I tried to verify if the photocopies provided to me were genuine;
- (h) I have further presumed that there are no agreements, letters or other arrangements having contractual or other obligation or effect or otherwise modifying the terms or affecting the documents examined by me and copies of no such documents have been made available to me;
- (i) To the extent possible, I have relied upon documents and records maintained at various offices as stated in this Report. Where such documents / records were not available for review, I have relied upon the statements made by the concerned staff and/or information made available to me as stated in this Report.
- 6.2 The searches which were caused to be carried out, as aforesaid, relates only to the encumbrances created by those acts of parties which require, under law, a corresponding record for the public in general, at the offices in which I caused to be carried out the searches.
- 6.3 The searches caused to be made do not extend to or cover any charges or other encumbrances created by operation of law like statutory charges on default of Income Tax or other Government or statutory levies or dues.

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Any person who is not an addressee of this Report or who has not been duly authorised to have access to this Report by the addressee, accepts and agrees to the following terms by reading this Report:

- (a) the reader of this Report understands that the work performed by me was performed in accordance with the instructions, and for the sole benefit and use of the Client;
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DATED THIS 6th DAY OF SEPTEMBER, 2019

Supriyo Lingh Advocate,

Advocate, High Court at Calcutta

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Phone: 9674052826,9748292012

E-Mail: supriyosingh2016@gmail.com

Appendix 1

List of Disclosed Documents

- 1. Volume copy of Deed of Conveyance dated 31st January, 1936.
- 2. Development Agreement dated 17th November, 2012.
- 3. Deed of Conveyance dated 31st July, 2015.
- 4. Terms of Settlement between Arati Thakur, Anand Beharilal Thakur & Others
- 5. Mutation Certificate issue by the Kolkata Municipal Corporation in favour of Smitkriti Enterprises Private Limited.
- 6. Extract from the Inspection Book of the Kolkata Municipal Corporation.
- 7. Deed of Conveyance dated 13th Septmebr, 1952.
- Copy of the Order dated 12th October, 1998 passed by the Hon'ble High Court in E.O.
 No. 5 of 1984.
- 9. Deed of Gift dated 30th November, 1995.
- 10. Deed of Gift dated 29th December, 1995.
- 11. Deed of Gift dated 29th December, 1995.
- 12. Will of Kakan Biharilal Thakur.

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