

Date: 27th September, 1966

SUBJECT: P.E.A.D.

S.A. MONTAGNINI'S RECORDS
FOR THE CHINESE MISSION

EDITOR - Mr. K. Y. H. H. H. H. H. H.
APJEE

1471

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 L-64
 P. Gogoi
 10/11/96

30) Kalyani Bhattacharjee

TRUST DEED

20/11/96

TO ALL TO WHOM THESE PRESENTS shall come I,
 SRIMATI KALYANI BHATTACHARJEE, wife of Late Sukhendu
 Bhushan Bhattacharjee, residing at Digboi in the District
 of Assam, HERINAFTER CALLED THE SAILOR
 (which expression shall unless excluded by or repugnant
 to the context be deemed to include her heirs, successors,
 executors, representatives and assigns) SEND GREETINGS :

WHEREAS the SAILOR had established and is now
 running a residential co-educational school for children
 at Bojapani, Near Digboi in the District of Tinukia,
 Assam and the same is functioning under the name
 " DIL VALLEY SCHOOL ".

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WHEREAS the SATTOR is now desirous of establishing a Charitable Trust at Bogepani, Near Digboi, Assam to be known as " S.S.BHATTACHARJEE MEMORIAL TRUST FOR CHILDREN EDUCATION ".

WHEREAS the SATTOR has out of her own funds and also out of the funds of the aforesaid school took on possession two pieces of land measuring 4 Bighas 0 Katha 18 Lassas equivalent to 60192 sq.ft. more or less included in Deg No. 116, 117 covered by Annual Patte No.35,67 of Tingrai Mouza, Bogepani Colony, Police Station Digboi, Sub-registry Tinsukia in the district of Tinsukia, Assam and constructed buildings and other structures standing thereon more particularly described in two schedule annexed herewith :

WHEREAS various concerns, institutions and persons who have also expressed their willingness to the SATTOR to support the said Charitable Trust by making donations from time to time so that the objects for which the Trust is created succeed :

WHEREAS at the request of the SATTOR (1) SRI SUNIRM... BHATTACHARJEE son of late bhokendu bhushan Bhattacharjee, (2) SRI MANI SHANKAR BHATTACHARJEE son of Sri Ramesh Chandra Bhattacharjee (3) DR. JAYANTA BHATTACHARJEE son of Sri Rakesh Chandra Bhattacharjee and all of them residing at Digboi in the district of Tinsukia, Assam and (4) SRI BHASKAR DUTTA, son of Sri Ramendra Kumar Dutta, residing at Tinsukia, in the District of Tinsukia, Assam have consented to act as the first Trustees of these presents :

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AND WHEREAS to effectuate her aforesaid desire, the SETTLOR has delivered the possession of the aforesaid land and buildings more fully described in the schedule annexed hereunto to the Trustees on the 1st day of April, 1996 with the intention that the Trustees shall hold the said properties upon trust and to the uses and in the manner and with and subject to the powers and provisions and declarations hereinafter declared and contained in these presents.

- : 1 : NOW THESE PRESENTS WITH BENEFIT AND THE SETTLOR Intended as follows :-

1. THAT in order to effectuate her said desire and in consideration of the premises, the SETTLOR doth hereby TRANSFER, SELL AND CONVEY OVER to the Trustees ALL THAT piece or parcel of land measuring 4 Dighas 0 Katha 18 Lessas equivalent to 60192 Sq.ft. more or less included in Dag Nos. 116,117 covered by Annual Patta Nos. 35,87 of Tingrai Mouza, Bogapani Colony, Police station Dighoi, District : Tinsukia, Sub-Registry Tinsukia, Assam and ALL INDSK buildings and other structures standing thereon or any part thereof morefully described in the Schedule annexed hereunto TO HAVE AND HOLD the said premises and all conditions and accretions thereto unto the Trustees and the first Trustees and other Trustees for the time being, shall HAVE AND STAND POSSESSED of the said property referred to as the TRUST FUND and or TRUST PROPERTY which expression shall also include cash and any other property and investments

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Kalyani Bhattacharya

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of any kind whatsoever into which the same or any part thereof might be converted, invested or varied from time to time or such as may be acquired by the Trustees or come to their hands by virtue of these presents or by operation of law or otherwise however in relation to these presents UPON THE TRUST and to the uses and subject to the powers, provisions, agreements and declarations hereinafter contained.

2. THAT the first Trustees so long as they shall remain Trustees and all persons who hereafter become the Trustees in succession to them (all of whom are hereinafter included in the expression the Trustees) shall hold the said property so transferred to them by the SETTLOR as aforesaid and all sums of money, properties (whether movable or immovable) hereafter given or bequeathed for the purpose of this Trust and all sale proceeds thereof and all investments at any time representing the same or any part thereof (all of which are hereinafter included in the expression " The Trust Property") and all income arising there from upon Trust hereinafter mentioned and in accordance with the provisions and direction hereinafter contained.

3. THAT the Trust hereby created and established has come into existence on and from the 1st day of April, 1996.

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attached to the Trust Deed

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4. THAT the name of the Trust shall be " S.B. BHATTACHARJEE MEMORIAL TRUST FOR CHILDREN EDUCATION " and its principal office shall be situated at Bogapani, Near Digboi in the District of Tinsukia, Assam or at such other place or places as may from time to time be determined by the Trustees.
5. THAT the objects of the Trust shall be as follows :-
- (a) To take over the existing OIL VALLEY SCHOOL with all assets, liabilities, rights and obligations thereof and all furniture and fixtures belonging thereto if any to the said Trust and maintain and run the same by enlarging and enhancing its scope and standard with suitable accommodation and provisions for qualified teaching staff, getting recognition and help from the Government and strive for the all out improvement of the institution.
 - (b) To establish, provide, carry on maintain and or assist in the maintenance of schools including Primary, Middle, High School, Higher Secondary School and Colleges for boys and or girls where students may obtain classical, cultural, physical, commercial, medical, technical, scientific and general knowledge of the highest order.
 - (c) To provide for research work and for the delivery and holding of lectures, demonstrations, exhibitions, public meetings, classes and conferences calculating directly or indirectly to propagate and advance the cause of education.
 - (d) To provide for, establish and maintain and run Libraries, Museums Societies, Lecture Halls and other institutions and to furnish the same with books, reviews, magazines, newspapers and other publications.
 - (e) To collect and preserve old classical manuscripts, writings and literature of all kinds and paintings and sculptures.

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3) Kalyani Bhattacharya

- (f) To print, publish, distribute and sell, books, newspapers, magazines, pamphlets, brochures and other publications having its objects teaching, propagation, promotion and development of culture, literature, science and technology and to keep reserved the copyright of all or any of such publications for the Trust, if considered necessary.
- (g) To award, grant and present stipends, scholarships, prizes, medals, etc. study loans and other allowances and concessions to students, workers, writers, authors, editors and other interested persons in the advancement of education and culture.
- (h) To help needy persons whether victims of floods, epidemic, earthquake, war, civil disturbances or any other cause whatsoever with medicines, cloths, accommodations and rendering all other help in such manner as the Trustees shall from time to time think fit and proper.
- (i) To extend help and relief in the form of free distribution of medicine or giving aids or donations in money or kind to institutions, societies and other bodies of medical relief or for advancement of art and culture and for the overall mental and physical upliftment of the society in general.
- (j) To establish, support and maintain institution or institutions and societies intended to relieve poverty and distress such as Hospital, Alms-houses, or orphanages, home for working girls, home for refugees, homes for disabled and crippled persons and helpless widows.
- (k) To establish, support and maintain institutions for promoting and spreading social consciousness amongst people.
- (l) To declare and give bonus, gratuities, pensions or other concessions and allowances to persons who are or were in the employment of the Trust or of any institution or institutions maintained and run by the Trust or the families or dependents of such persons.

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- (m) To purchase, take on lease or hire or otherwise acquire any estate, land, building, easements or other rights or interests in immovable properties and all kinds of movable properties and to sell with the permission of the Court, let on lease or otherwise dispose of or grant rights over any real property or other properties whatsoever belonging to the Trust.
- (n) To collect, raise and receive subscriptions, donations and gifts in cash or in kind for all or any of the objects and to apply the same in accordance with the conditions, if any, presented by the donors and agreed to by the Trustees not beyond the objects of this Trust.
- (o) To borrow or raise money with or without security and on such terms and conditions the Trustees may think fit and proper for the purposes of the Trust.
- (p) To work for all or any other charitable purposes which may benefit the people in general provided always that and it is hereby declared that if any one or more of the objects specified above are held not to be for public charity, the Trustees shall not carry out such objects as if the same are not incorporated in these presents but the validity of the trust created by these presents as a Trust for charitable purposes shall not be affected in any manner.
- (q) To do all or such other lawful things as are incidental or conducive to the attainment of any one or more of the above or similar objects.

6. THAT any surplus of the capital or income of the Trust property which shall not be required or is not for the time being utilized for any of the purposes of the Trust or for payment of any costs or the expenses incurred on or about the execution of any of the objects of the Trust (except the money as the Trustees may think fit to deposit with any Banker or bankers of the Trust as the Trustees may think fit to meet current expenses) shall be invested and kept invested by the Trustees in such

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Dr. Sub-Registrar
Mumbai

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5) Kalyan Bhatnagar

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manner as the Trustees may think fit but subject to the provisions of the Income Tax Act, 1961. The Trustees shall have the absolute right to convert all or any of the investments into money for any of the purposes of the Trust or otherwise and to reinvest the whole or the balance of the proceeds in one or more of such investments as aforesaid and to vary the investments from time to time at the discretion of the Trustees.

7. THAT the first Trustees shall be the following persons :

- (1) SRI SUNIRMAL BHATTACHARJEE
- (2) SRI MAHESH SHANKAR BHATTACHARJEE
- (3) DR. JAYANTA BHATTACHARJEE
- (4) SRI BHANUJA GUPTA

8. THAT SRI SUNIRMAL BHATTACHARJEE, shall act as the Chairman and Managing Trustee during his life time until he voluntarily retires as Trustee.

9. THAT SRI SUNIRMAL BHATTACHARJEE --the Managing Trustee shall have the power to nominate his successor either from the existing Trustees or any other persons and the other Trustees shall be bound to accept and ratify the same.

10. THAT in case the aforesaid SRI SUNIRMAL BHATTACHARJEE fails to nominate his successor Managing Trustee, any other Trustee may be elected as Managing Trustee by the remaining Trustees for such time as may be determined by the Trustees and such Managing Trustee shall continue to act as such until another Managing Trustee is appointed in his place. Contd., P/9

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By the Trustee

25/11/96

Subscribed and

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11. THAT subject to general control and supervision of the Trustees, the Managing Trustee shall manage the Trust property and carry on all the affairs of the Trust and shall have all the necessary powers and authorities for the purpose held by the Trustees.

12. THAT the Managing Trustee shall have the power to delegate all or any of the powers under these presents to one or more of the other Trustees for such period and on such terms and conditions as the Managing Trustee may think fit.

13. THAT the number of Trustees shall not be less than Three and more than Seven. If the number of Trustees shall fall below the minimum the Trustees shall not, except for the purpose of filling up the vacancy, act so long as the number is below the said minimum.

14. THAT the Managing Trustee may at his discretion, and shall upon a requisition in writing signed by at least two Trustees specifying the object for which the meeting is desired to be convened, convene a meeting of the Trustees. If the Managing Trustee fails to hold such meeting within forty-five days the date of service of such requisition, the Trustees making such requisition may themselves convene a meeting of the Trustees but no business other than what is specified shall be transacted at such meeting.

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15. THAT notice of the meeting of the Trustees shall be given to the Trustees one month before the date of the meeting. However in emergent circumstances the meeting may be held as the managing trustee may deem expedient and necessary.

16. THAT notice of the meeting of the Trustees and all other communications may be sent to the Trustees at their address registered for the time being in the records of the Trust.

17. THAT the meeting of the Trustees shall be held at such place or places as the Trustees may from time to time decide.

18. THAT One-Third of the total number of Trustees or two Trustees physically present whichever is higher shall form the quorum for the meetings of the Trustees.

19. THAT if within half an hour of the time specified for the meeting called, no quorum is formed, the meeting shall be adjourned to such time and place as the Trustees present may decide and notice of such adjournment shall be given to all the Trustees. In such an adjourned meeting even if no quorum is formed, the Trustees who are present may transact the business for which the meeting was called.

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30) Kalpana

Stationary

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20. THAT the Managing Trustee shall act as the Chairman in every meeting of the Trustees. In the absence of the Managing Trustee, the joint Managing Trustee if any, shall act as the Chairman and failing him, the Trustees present in the meeting shall elect a Chairman for the meeting from amongst themselves.
21. THAT all the questions arising at the meeting of the Trustees shall be decided by a majority of votes and in case of a tie, the Chairman shall have a second or casting vote.
22. THAT a Trustee who is unable to be present at a meeting of the Trustees because of his absence from the head quarters of the Trust may send his views on the agenda in writing and such expression of opinion shall be taken to be his vote on the matters concerned.
23. THAT minutes of the proceedings of every meeting of the Trustees shall be entered in a Minute Book to be kept for this purpose and shall be signed by the Chairman of such meeting or of the following meeting and such minutes shall constitute conclusive evidence of the business and other matters transacted at such meeting.
24. THAT the Trustees shall be entitled to frame rules, add to modify and or alter the same from time to time as the circumstances may require for regulating their meetings and proper administration of the Trust.

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Dr. Sub-Registrar

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31) Kalyani Nathiachari

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25. THAT the Managing Trustee shall have the custody of these presents and of the books of accounts, Minute Book and other documents and or records of the Trust which shall at all times be open to inspection by any of the Trustees.
26. THAT the Trustees may appoint a Committee or committees or Sub-Committee consisting of such person or persons whether member of their body or not as they may from time to time think fit for any of the purposes of the Trust and may frame rules relating thereto and may from time to time add to and vary the same as they shall think fit.
27. THAT a resolution in writing circulated by the Managing Trustee amongst the Trustees and passed by a majority of the Trustees shall be as valid and effectual as if it had been passed at a meeting of the Trustees duly called and convened.
28. THAT for the furtherance of the objects of the Trust, the Trustees shall have the following powers :
- (i) subject to the directions and restrictions as contained in these presents, to apply the whole or part of the income of the Trust Fund and or Trust Property or accumulation thereof for any one or more of the objects of the Trust as the Trustees may in their absolute discretion from time to time determine;
 - (ii) to employ clerks, and other employees, agents, brokers, bankers lawyers, accountants, auditors and others and at such remuneration as they think fit;
 - (iii) to delegate any powers to one or more of their body;

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30 Kalyani Nathiacharya

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- (iv) to appoint subject to clause 10 (Ten) written here-in-above any one from amongst them as a Managing Trustee and or a Joint Managing Trustee with such powers as may be delegated to them;
- (v) to adjust settle, compromise, compound, refer to arbitration all actions, suits, claims, demands and proceedings regarding the Trust Fund and or Trust Property;
- (vi) and generally to do all acts that may reasonably be necessary for carrying on the Trusts under these presents.

29. THAT the Trustees shall be entitled to open bank account with any nationalised bank or banks to which the Banking Regulations Act, 1949 (10 to 1949) applies as the Trustees shall in their absolute discretion think fit and such bank account shall be singly operated by the Managing Trustee or by his duly constituted attorney/s.

30. THAT the Trustees shall cause true and accurate accounts to be kept of all moneys received and spent and of all matters in respect hereof in course of management of the Trust or in relation to the carrying out of the objects and purposes of the Trust as well as of all the assets, credits and effects of the Trust properties, and such accounts shall be annually audited by a Chartered Accountant.

31. THAT the accounting year of the Trust shall end on the 31st day of March each year or such other date as the Trustees may in their absolute discretion deem fit.

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30 Kalyani Bhattacharya

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32. That all acts in carrying out these presents if done and carried out by a majority of the Trustees for the time being shall be as valid and effectual as if such acts had been done by all the Trustees.

33. THAT should any difference of opinion exist at any time between the Trustees for the time being in relation to the management or administration or commission of any act or otherwise, however, in the execution of the Trusts of these presents, the opinion of the majority of such Trustees shall prevail provided that in the event of a tie between them, the managing Trustee shall have a casting vote in addition to his own.

34. THAT a Trustee may resign office or retire as Trustee by giving one month's notice in writing to his Co-Trustees.

35. That a person shall cease to be a Trustee under any of the following circumstances :

- (a) if he dies;
- (b) if he without leave of absence does not attend three consecutive meetings of the Trustees;
- (c) if he is adjudged an insolvent or is found to be lunatic or of unsound mind by a Court of competent jurisdiction;
- (d) if he is convicted of a criminal offence involving moral turpitude;
- (e) if he resigns his office;

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- (f) if he goes to reside out of India for more than two years, or
- (g) if he is required to resign his office by all the remaining Trustees.

36. THAT the receipt given by the Trustee for any money paid or any property transferred or delivered to the Trustees by virtue of these presents or in the execution of the Trusts hereof shall effectually discharge the person or persons paying, delivering or transferring the same therefrom and from being bound to see the application or being answerable to the application or misapplication thereof.

37. THAT the Trustees shall be respectively chargeable only for such moneys, funds, securities and properties as they shall respectively actually receive notwithstanding their respectively signing any receipt jointly with others for the sake of conformity and shall be answerable and accountable for their respective accounts, receipts, neglects and defaults and shall not be answerable, one for the other or others of them, nor for any banker or other person with whom or into whose hands any trust moneys or securities may come or be deposited or given nor for the insufficiency of any of the funds or other securities or for any other loss unless the same shall happen through their respective wilful default or neglect.

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30) Kalyani Nathar Karjee

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5) Kalyani Chakrabarty

38. THAT the Trustees shall be entitled to reimburse themselves and pay and discharge out of the Trust Property all expenses actually incurred by them on or about the execution of the Trust or any of their duties under these presents.

39. THAT the Trustees or their relatives if otherwise properly qualified may be appointed for any work in fulfillment of the objects of the Trust on such remuneration as the Trustees may deem fit and proper.

40. THAT whenever any Trustee of these presents either original or substituted ceases to be a Trustee, it shall be lawful for the majority of the remaining or continuing Trustees by writing under their hands to appoint any other person to be a new Trustee in his place and every new Trustee so appointed shall have the same powers, authorities and discretions and he may act in all respects as if he had been originally appointed as a Trustee of these presents.

41. THAT on a new Trustee being appointed and on his signing the Minute Book to the effect of his taking possession, the Trust property shall vest in him along with the other Trustees for the time being and he will be entitled to carry out all the duties and functions of a Trustee.

verified by the Trustee

25/10/96

20 Kalyani Bhattacharya

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42. THAT the Trustees shall be entitled to accept gifts, donations, subscriptions or contributions whether in case or securities or property of any kind from any person for the objects of the Trust and they shall also be entitled to accept any sum earmarked for any of the objects as they may deem fit. However if the Trustees accept any donation with conditions attached to it, they shall carry out the same, provided however the Trustees shall not enter into any condition contrary to the objects of the Trust or to the provisions of the Income Tax Act, 1961.
43. THAT the Trustees or any one of them shall be entitled at any time or from time to time to delegate all or any of his or their powers, duties and authorities under these presents to a Co-Trustee or Co-Trustees but however such delegation shall not mean and include the power to act as a proxy in a meeting of the board of Trustees.
44. THAT the Trustees may join and co-operate with any trust or institution having allied or kindred objects upon such terms as they may think fit but shall not dissolve this Trust or amalgamate this Trust with any other trust.
45. THAT it is hereby expressly declared that no part of the income of the Trust shall be applied for any purpose outside India or for any purpose which is not a public Charitable

Sd/ Kalyani Shobhacharya

25/10/96

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purpose in law for any purpose inconsistent with the relevant provisions of the Income-tax Act, 1961 and all provisions hereof shall be construed accordingly.

46. In all save and except what is provided hereinabove, the provisions of the Indian Trust Act, 1882 shall apply to and govern these presents.

SCHEDULE REFERRED TO ABOVE

ALL THAT piece and parcel of land measuring 4 Dighas 0 Katha 18 Lassas equivalent to 60192 Sq.ft. more or less included in Dag No. 116, 117 Annual Patta No. 35,87 Timgrai Mouza, Bogopani Colony, Police Station Dighoi, District and Sub-Registry Lingsukia, Assam, together with all rights and privileges thereof and ALL THOSE buildings and other structures standing thereon or any part thereof under occupation and in use of OIL VALLEY SCHOOL together with all fixtures and fittings appertaining thereto and every part thereof.

IN WITNESS WHEREOF the SETTLOR has after fully understanding the contents of these presents set and subscribed her hand this the 27th day of September, One Thousand Nine Hundred Ninety six.

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NO. 11.2.2000

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25/10/96

SIGNED AND DELIVERED
IN THE PRESENCE OF

1. Mr, Subirama Nathocharjee
C/o Oil Valley School.
P.O. Bagabari P.S. SO Kalyani Nathocharjee
Sigbari Assam (Smt. Kalyani Bhattacharjee)
SETTLOR
2. SO Mrs, Prithueshi Nathocharjee
C/o ehatnagar.
P.O. Sigbari P.S - Sigbari
Assam.

drafted by :-

SO T. Paul.

(Tarun Paul)
Chartered accountant
insukia

...
date 25/10/96

...
date 25/10/96



असम-ASSAM

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Stamp No.

Assam

Bhadrakali No.

Sub-Registry
Tinsukia

F-2000
R-100
H-2500

Kalyani Bhattacharjee

SUPPLEMENTARY TRUST DEED

This **SUPPLEMENTARY TRUST DEED** made on this the 17th day of November, 2011.

BY ME

SMT. KALYANI BHATTACHARJEE wife of Late Sukhendu Bhusan Bhattacharjee, Chhatrawan, Borbil No.1, Digboi, District Tinsukia, Assam.

WHEREAS I had executed a Trust Deed being Deed No.994 of 1996 of Tinsukia Sub-Registry creating a Trust named "M.S. S. B. Bhattacharjee Memorial Trust For Children Education".

AND WHEREAS the Fund of the Trust or the Trust Property of the said Trust was/is a plot of land measuring 4 Bighas 0 Katha 18 Lessas included in Dig No.116 & 117 of Annual Patta Nos. 35 & 87 corresponding to New Periodic Patta No. 72 & 71 respectively situated at Bogapani Colony, Digboi, Mouza Tingrai, District Tinsukia, Assam;

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AND WHEREAS one of the objects of the said Trust Deed was as under :

Object No. (O) To borrow or raise money with or without security and on such terms and conditions, the trustees may think fit and proper for the purpose of the Trust.

AND WHEREAS I have found after further reading of the said Trust Deed that no power has been specifically given to the Trustees or the Chairman Cum Managing Trustee of the Trust for doing the needful for implementing the object (O) of the said Trust Deed due to which the Trustees have been finding it difficult to implement the various other objects of my Trust Deed.

I therefore have decided to make this Deed Supplementing the Trust Deed No.994 of 1996 of Tinsukia Sub Registry.

NOW THIS DEED WITNESSETH :

In pursuance to above and for the purpose of more effectual discharge of the duties by the Trustees for fulfilling the objects of the Trust Deed No.994 of 1996 of Tinsukia Sub Registry, I hereby add the following thereto:

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Kalyani Shaha Chatterjee



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"The Chairman cum Managing Trustee of the Trust shall be empowered to raise loans from any Bank, Financial Institution or any other persons, by mortgaging all or any of the properties included in the Trust Fund or any other property that is not included in the Trust Fund".

IN WITNESS WHEREOF I have signed this Deed on this the 4th day of November, 2011 after understanding the contents hereof in vernacular.

WITNESSES:

1. *Balbir Singh Chatterjee*
Sole Proprietor Chatterjee

P.O. Bongaigaon
Dist. Tinsukia

2. *Kalachand Lohar*
Smt. Kanchan Lohar

P.O. Bongaigaon
Dist. Tinsukia

Kalyani Chatterjee
SETTELOR

DRAFTED BY:

Bimal Kejriwal

(BIMAL KEJRIWAL)
Advocate, Tinsukia.

PhotoGraph and Finger Impression of Person involved in the Deed

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Book No. and Deed No. : VOL-IV/494/2011

Date of Impression : 09/11/2011

Document Type : TRUST

Document Sub-Type : Trust



Wm 01



Wm 01



Wm 01



Wm 02

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WSP 01. Ids



WSP 01. Lr



WSP 01. Md



WSP 01. Rng



WSP 01. Thu



WSP 01. Ids



WSP 01. Lr



WSP 01. Md



WSP 01. Rng



WSP 01. Thu



WSP 02. Ids



WSP 02. Lr



WSP 02. Md



WSP 02. Rng



WSP 02. Thu
