

TO WHOMSOEVER IT MAY CONCERN

REF: All that piece or parcel of Plot No.321, admeasuring 899.66 sq. mtrs. lying, being & situate at Sector 19, Ulwe, Navi Mumbai, Tal-Panvel, Dist-Raigad.

SHRI VISHRUT TRIPATHI, Sole Proprietor of M/S. VISHRUT CONSTRUCTIONS, having his office at 803, Satra Plaza, Sector 19D, Vashi, Navi Mumbai (hereinafter referred to as "**THE PROMOTER**") has approached us and plaed in our hands instrument, documents, letters, orders etc. with instructions to examine them to ascertain the clarity and marketability of his title to the land and for the issuance of the title certificate in respect of the above referred property.

We therefore issued Public Notice in news papers "Vashi Times" dated March 3rd - 9th 2018 & 10th-16th 2018, "Times of Inida", Navi Mumbai dated 3rd March, 2018 and "Kille Raigad" dated 03/03/2018 & 10/03/2018 inviting objection from public at large in respect of the title of the Promoter to the above subject plot. However, we have not received any objection.

We further caused the searched to be carried out in respect of above mentioned property in the office of Sub-Registrar of Panvel, (Manual Index) from 1989 to 2018 (30 Years) and in Sub-Registrar of Panvel I, II (Computerized Index) from 2002 to 2018 (17 Years) and in the office of Sub-Registrar of Panvel III (Computerized Index) from 2005 to 2018 (14 Years) and in the office of Sub-Registrar of Panvel IV & V (Computerized Index) from 2012 to 2018 (7 Years).

[Signature]

On going through the documents, deeds and letters produced before us by the Promoter and Search Report submitted by Mr. Ramesh Lohakare, the Title Investigator, we have to state as under:

A. WHEREAS:

- I. Pursuant to the mandate of Section - 113 of the Maharashtra Regional and Town Planning Act 1966 (MRTP Act), the Government of Maharashtra having being satisfied that it was expedient in the public that an area so reserved and designated on the regional plan should be developed as a 'Site' for New Town, designated by Notification in the official Gazette, such a 'site' which was specified in the notification as New Bombay (Navi Mumbai).
- II. On the publication of the Notification under Section 113(1), the State Government by another Notification designated, under the provisions of Section 113(2) and 113(3A) of the MRTP Act, City & Industrial Development Corporation of Maharashtra Limited (CIDCO) as a New Town Development Authority for the purpose of acquiring, developing & disposing of the land in the territory of Navi Mumbai in accordance with the provisions of Section 118 of the MRTP Act.
- III. The Government of Maharashtra in the exercise of the power vested into it under Section 113-A acquired the lands falling in the designated territory of the New Town of Navi Mumbai.



IV. The Government of Maharashtra in consultation with CIDCO promulgated Government Order dated the 6th March, 1990 bearing No. ALQN-1985/1710/CR-217/85/Navi-10 whereby every holder of the land in the designated territory of Navi Mumbai came to be vested with rights to get allotment of developed land equivalent to 12.5% of the Land acquired from him for the project of the new town of Navi Mumbai, which scheme is popularly known as 12.5% Scheme.

V. As the 12.5% scheme dated the 6th March, 1990 contained embargo on the transfer of plot allotted thereunder for a period of 10 years, the Government of Maharashtra by another GO dated the 28th September, 1998 bearing No. CID-1095/675/CR-86/95/Navi-10 lifted the embargo and allowed the transfer of plots allotted under 12.5% scheme.

B. AND WHEREAS:

I. One Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik, being the tenant of one Shri Sayed Simul Hassan was cultivating various pieces and parcels of agricultural lands bearing Survey No 452/4, 181/6, 216/3, 256/10, 213/3, 448/1 & 251/2, lying, being and situate at Village- Vahal, Tal-Panvel, Dist- Raigad (hereinafter referred to as 'the Original Lands').

II. The Mamlatdar, Panvel determined ₹ 1608 as the price of the Original Land payable by Tenant (Kul) Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik to the Landlord Shri Sayed Simul Hassan under Section – 32G of the Maharashtra Agricultural Land and Tenancy Act

For file

(MAL&TA). The said fact was mutated in the Records of Rights by M.E. No. 1453 dated the 22nd April, 67.

III. On the payment of the said purchase price by the Kul Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik on 31st October, 1996, the Certificate under S. 32M of the MAL & TA was issued.

IV. By virtue of the passed u/s 32G and the Certificate issued u/s 32M of MAL & TA, Late Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik became seized and possessed of or otherwise well and sufficiently entitled to said pieces and parcels of agricultural lands as stated supra lying, being and situate at Village-Vahal, Tal-Panvel, Dist-Raigad.

V. The lands described as supra were acquired by the Government of Maharashtra under the Section 11 of the Land Acquisition Act 1984 from the said Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik and vested into CIDCO for the purpose of carrying out the aims and objects as mandated by Section 114 of Maharashtra Regional Town Planning Act, 1966 under Awards bearing Unit Case No.14 & Unit Case No.20 both dated the 24th June, 1986.

VI. By virtue of the Government Order dated the 6th March, 1990 Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik became entitled to 900 sq. mtrs. of land to be allotted to him under the 12.5% Scheme in lieu of the acquisition of his lands as stated above.



C. AND WHEREAS:

- I. That Shri Amba @ Shri Ambaji @ Shri Aaba @ Aabaji Mahadu Naik died on the 8th April, 1987 whereupon his heirs (1) Shri Ramji Aba @ Aabaji Naik, (2) Shri Padaji Aba @ Aabaji Naik, (3) Shri Dhavaji Aba @ Aabaji Naik & (4) Shri Hira Aba @ Aabaji Naik applied to the Court of Civil Judge (Junior Division) Panvel under Civil Misc. Application No. 617/2010, for the issuance of Heirship Certificate declaring them as his legal heirs which was issued on 2nd August, 2011.
- II. By a Sathe Karar dated the 22nd June, 2011 the said Shri (1) Shri Ramji Aba @ Aabaji Naik, (2) Shri Padaji Aba @ Aabaji Naik, (3) Shri Dhavaji Aba @ Aabaji Naik & (4) Shri Hiraji Aba @ Aabaji Naik agreed to assign the plot to be allotted to them by CIDCO under the aforesaid awards to one Shri Kishore K. Mhatre (Shri K.K.Mhatre), sole proprietor of M/s. K.K. Land Developers herein on the terms and conditions more specifically set out in the said Sathe Karar dated the 22nd June, 2011.
- III. The CIDCO by a letter dated the 15th March, 2012 intended to allot Plot No. 321, admeasuring 900 Sq.mtrs lying, being and situate at Sector – 19, Ulwe, Navi Mumbai to Aba Mhadu Naik.
- IV. Shri. Ramji Aba @ Aabaji Naik died on 6th August, 2011 and on application made by (1) Shri. Hari @ Harishchandra Ramji Naik, (2) Smt. Yamuna Sahadev Patil, (3) Shri. Dattatray Ramji Naik, (4) Smt.

[Signature]

Rekha Dinesh Patil, (5) Smt. Baby Anna Gondhali and (6) Shri. Samadhan Ramji Naik being Civil Misc. Application No.384 of 2012 before the Civil Judge (Junior Division, Panvel), the said persons were declared as the legal heirs of the late Shri. Ramji Aba @ Aabaji Naik by grant of Heirship Certificate dated 28th June, 2013.

- V. Shri. Hira Aba @ Aabaji Naik died on 13th January, 2014 and upon the Misc.Application No.536/2014 being filed before Civil Judge (Junior Division), Panvel (1) Smt. Nirabai Hira @ Hiraji Naik, (2) Bhaskar Hira @ Hiraji Naik, (3) Prakash Hira @ Hiraji Naik, (4) Ajay Hira @ Hiraji Naik, (5) Sau. Sarita Namdeo Kadu, (6) Sau. Sulbha Santosh Patil, (7) Sau. Sunita Jitendra Washenikar were declared as a legal heirs of late Hira @ Hiraji Aba @ Aabaji Naik by the Heirship Certificate dated the 10th November, 2014.
- VI. Shri. Padaji Aba @ Aabaji Naik died on 6th April, 2015 and upon the Civil Misc.Application No.884/2015 being filed before Civil Judge, Jr. Division, Panvel, (1) Smt.Gangabai Padaji Naik, (2) Shankar Padaji Naik, (3) Shri. Dinanath @ Dinesh Padaji Naik, (4) Shri. Kanha Padaji Naik, (5) Shri. Rajendra Padaji Naik, (6) Shri. Pandurang Padaji Naik, (7) Sau. Lata @ latabai Amrut Gharat, (8) Sau. Kalpana Arun Mhatre, (9) Smt. Sangeeta Narayan Naik and (10) Smt. Deepali Narayan Naik were declared the legal heirs of late Shri. Padaji Aba @ Aabaji Naik by Heirship Certificate date the 7th April, 2016.

VII. Pursuant to the demise of Shri. Pandurang Padaji Naik on 8th December, 2016, and upon the Misc.Civil Application No. 365 of 2017 being filed before CJJD, Panvel (1) Smt. Darshana Pandurang Naik, (2) Kumar Prince Pandurang Naik (through his natural guardian mother Smt. Darshana Pandurang Naik) and (3) Smt. Gangabai Padaji Naik were declared as legal heirs of the deceased Shri. Pandurang Padaji Naik by Heirship Certificate dated 15th September, 2017.

VIII. By virtue of the Heirship Certificates granted as set out hereinabove, (1) Shri. Dhavji Aba @ Aabaji Naik, (2) Shri. Hari @ Harischandra Ramji Naik, (3) Smt. Yamuna Sahadev Patil, (4) Shri. Dattatray Ramji Naik, (5) Smt. Rekha Dinesh Patil, (6) Smt. Baby Anna Gondhali (7) Shri. Samadhan Ramji Naik, (8) Smt. Nirabai Hira @ Hiraji Naik, (9) Bhaskar Hira @ Hiraji Naik, (10) Prakash Hira @ Hiraji Naik, (11) Ajay Hira @ Hiraji Naik, (12) Sau. Sarita Namdeo Kadu, (13) Sau. Sulbha Santosh Patil, (14) Sau. Sunita Jitendra Washenikar, (15) Smt. Gangabai Padaji Naik, (16) Shri. Shankar Padaji Naik, (17) Shri. Dinanath @ Dinesh Padaji Naik, (18) Shri. Kanha Padaji Naik, (19) Shri. Rajendra Padaji Naik, (20) Sau. Lata @ latabai Amrut Gharat, (21) Sau. Kalpana Arun Mhatre, (22) Smt. Sangeeta Narayan Naik, (23) Smt. Deepali Narayan Naik, (24) Smt. Darshana Pandurang Naik, (25) Kumar. Prince Pandurang Naik (through his natural guardian mother Smt. Darshana Pandurang Naik) (hereinafter referred to as Original Allottees) became entitled to the allotment of Plot of 900 M² under 12.5% Scheme at Ulwe, Navi Mumbai.

For signature

D. AND WHEREAS:

- I. The name of the predecessor in title of the Original Allottees are mentioned as "Aabaji Mhadu Naik" or "Aba Mahadu Naik", "Amba Mahadu Naik" while in the Awards his name was written as "Ambaji Mahadu Naik".
- II. The CIDCO therefore, by its letter dated 23rd July, 2017 bearing Ref No. CIDCO/BHUMI/SATYO/VAHAL/1479/2017 called for the clarification from the Deputy Collector, (Land Acquisition), Metro Centre (No.3), Panvel.
- III. The Deputy Collector by his letter dated 26th July, 2017 replied that as per his records the Awards No. 14 & 20 were declared in the name of Aba Mahadu Naik. The CIDCO was further directed to take an Affidavit to that effect from the Khatedars. The Deputy Collector by his letter dated 10/08/2017 further informed the Chief Land & Survey Officer that in the Award the name "Ambaji" was struck off and name Aba Mahadu Naik was written. It therefore, seemed that name Ambaji was written due to mistake.
- IV. Thereafter Shri Bharat Dhavji Naik, the son of Shri Dhavji Aba Naik, one of the Original Allottees, furnished an affidavit stating that land owner Shri. Aba @ Aabaji @ Amba @ Ambaji Mahadu Naik was one and the same person.

[Signature]

V. The CIDCO through its Chief Land & Survey Officer issued a Public Notice inviting objections from the public to the allotment of the Plot No.321 lying, being and situate at Sector – 19, Ulwe, Navi Mumbai to the Original Allottees as the legal heirs of late Shri Aba @ Aabaji Mahadu Naik. No objections were received.

E. AND WHEREAS:

- I. By an Allotment Letter dated the 12th January, 2018, the CIDCO allotted piece and parcel of land bearing Plot No. 321, admeasuring 899.66 sq. mtrs. lying, being & situate at Sector-19, Ulwe, Navi Mumbai, Tal-Panvel, Dist-Raigad (hereinafter referred to as “the said plot”) to the Original Allottees on the terms and conditions more specifically set out the said Allotment Letter dated the 12th January, 2018.
- II. Under Clause (10) of the Sathe Karar dated the 22nd June, 2011, Shri Kishore K. Mhatre (Shri K.K. Mhatre), Sole proprietor of M/s. K.K. Land Developers is entitled to assign all his right, title and interest in the said plot allotted to the Original Allottees to any prospective purchaser.
- III. That Shri K.K. Mhatre approached the Promoter in the month of February, 2018 and offered to assign all his rights, title and interest accrued to him under Sathe Karar dated 22nd June, 2011 which offer was accepted by the Promoter.

[Signature]

- IV. By an Agreement of Assignment dated the 27th February, 2018 SHRI. K.K. Mhatre agreed to assign all his rights title and interest in the said Plot no. 321 to the Promoter on the terms and conditions more specifically set out in the said Agreement.
- V. The Promoter paid a sum of ₹ 35,00,000/- (Rupees Thirty Five Lacs Only) to Shri K.K. Mhatre on the execution of the said Agreement of Assignment dated the 27th February, 2018.
- VI. On the payment of the lease premium, the CIDCO executed Agreement to Lease dated the 22nd March, 2018 agreeing to grant lease of the said Plot No. 321 to the Original Allottees on the terms and conditions more specifically set out in the Agreement to Lease dated the 22nd March, 2018. The said Agreement to Lease registered with the Sub-Registrar of Assurances at Panvel vide under Sr, No. **PVL-2/3847/2018** dated the 22nd March, 2018.
- VII. That by an Assignment Agreement dated the 23rd March, 2018 the Original Allottees agreed to assign all his rights title and interest in the said Plot No. 321 to the Promoter on the terms and conditions more specifically set out in the said Agreement dated the 23rd March, 2018.
- VIII. It was agreed that consideration payable by the Promoter (jointly both to the Original Allottees and Shri K.K. Mhatre) in respect of assignment of the said Plot No. 321 shall be ₹ 3,53,61,000/- (Rupees Three Crores Fifty Three Lacs Sixty One Thousand Only).



- IX. That the Original Allottees requested CIDCO to grant them the permission to assign and transfer their right, title and interest in the said plot to the Promoter.
- X. The CIDCO agreed to grant the NOC for the transfer of the plot in favour of the Promoter on the condition that an affidavit/undertaking be executed by the Promoter that if in future, if any enhanced compensation becomes payable to the Original Allottees in respect of their acquired lands, the responsibility of paying the same shall be of the Promoter and CIDCO shall not be liable for the said payment.
- XI. The Original Allottees then informed the Promoter that they had filed a Land Acquisition Reference before the Civil Judge (S.D.), Panvel being LAR No. 23/2012.
- XII. That at the request of Mr. Kishore K. Mhatre, the Sole Proprietor of M/s.K.K.Land Developers, the Promoter executed the affidavit /undertaking dated the 13th June, 2018 on the condition that the Original Allottees and Mr. Kishore K. Mhatre would execute Indemnity Bonds whereby each one of them shall indemnify the Promoter with respect to enhanced compensation/Vadiv Maveja.
- XIII. That the CIDCO by a letter dated the 13th July, 2018 granted permission to transfer the right, title and interest in the said plot to the Original Allottees on the payment of the transfer charges of ₹ 8,53,258/-. That

[Handwritten signature]

the Promoter made the payment of the transfer charges of ₹ 8,53,258/- (albeit on behalf of the Original Allottees).

F. AND WHEREAS

I. That by a Tripartite Agreement dated the 17th July, 2018 registered with Sub-Registrar of Assurances, Panvel under Sr. No. 7680/2018 the CIDCO and the Original Allottees and Promoter transferred all the rights, titles and interests in the project land in favour of the Promoter on the terms and conditions as set out in the Tripartite Agreement dated 17th July, 2018.

II. The CIDCO vide its letter dated the 27th, July, 2018 bearing No. CIDCO/ESTATE/SATYO/Ulwe/1479/2018 confirmed that the project land stood transferred in the name of Promoter.

G. AND WHEREAS:

I. The Promoter applied for the grant of the development permission for constructing residential building on the Project Land. In exercise of power u/s 45 of the MRTP Act, the CIDCO on the 21st December, 2018 passed the Assessment Order, issued Commencement Certificate and approved the plans for the development of the Plot, pursuant to the application of the Promoter u/s. 44 thereof.

Subject to whatever has been stated hereinabove, we are of the opinion that the title of the Promoter to the aforesaid land is clear and marketable subject to their complying with the terms and conditions of Agreement to Lease 

dated 22nd March, 2018 and the Tripartite Agreement dated the 17th July, 2018 and the development permission granted by CIDCO.

THE SCHEDULE ABOVE REFERRED TO:

All that piece or parcel of land bearing Plot No.321, admeasuring 899.66 sq. mtrs. lying, being & situate at Sector - 19, Ulwe, Navi Mumbai, Tal-Panvel, Dist-Raigad and bounded as follows:

On or towards North by	:	11 mtrs Road
On or towards South by	:	Plot No. 325 & 326
On or towards West by	:	Plot No. 322
On or towards East by	:	Plot No. 320 & 319

Dated on this 9th day of January, 2019

for M. Tripathi & Co.,


(Advocates)