

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

6th November, 2019.

To:

M/s. Tharwani Realtors

(Through its Partner: Anil Hardasmal Tharwani)

Office No.310-313, 3rd floor,

Persipolis Building,

Plot No.74, Sector-17,

Vashi, Navi Mumbai-400 705.

Sirs,

1. I have been requested to issue Title Certificate in respect of the following lands:-

"Lands bearing Survey No.63/1/1/2A (part) admeasuring 1659.40 sq. metres, Survey No.63/1/2/2C admeasuring 750 sq. metres, Survey No.63/1/3A admeasuring 650 sq. metres, Survey No.64/2A admeasuring 1390 sq. metres, Survey No.64/3B admeasuring 1220 sq. metres, Survey No.64/4A (part) admeasuring 1844.20 sq. metres, Survey No. 63/1/4 admeasuring 470 sq. mtrs. and Survey No. 64/1 admeasuring 3340 sq. mtrs. all situated at Village Belavali, Taluka Ambarnath, District Thane, more particularly described in Schedule-I hereunder written."

4

2. This Title Certificate is requested to be given for compliance with the obligations of a Promoter / Developer under Section 4 (2) (I) (A) of the Real Estate (Regulation & Development) Act, 2016 and Section 4 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Rules, 1964.

3. Since the lands are situated in Ambarnath Taluka and since I have not been able to personally visit the office of the Sub-Registrar, Ulhasnagar, which is the Registration Sub-District in which Ambarnath Taluka is situated, on my instructions, you had appointed one Shri. Santosh Deshmukh, working as 'Searcher' / 'Search Clerk' to take search of the records of the registers maintained under the Indian Registration Act, 1908 in the office of the Joint Sub-Registrar, Ulhasnagar. Accordingly, he had taken search on 01.10.2019 in respect of land bearing Survey No.63/1/1/2A admeasuring 2240 sq. metres, land bearing Survey No.63/1/2/2C admeasuring 750 sq. metres, land bearing Survey No.63/1/3A admeasuring 650 sq. metres land bearing Survey No.64/2A admeasuring 1390 sq. metres land bearing Survey No.64/3B admeasuring 1220 sq. metres land bearing Survey No.64/4A admeasuring 2320 sq. metres, land bearing Survey No. 63/1/4 admeasuring 470 sq. mtrs., land bearing Survey No. 64/1 admeasuring 3340 sq. mtrs.. Accordingly, Search Reports dated 01.10.2019 was issued in respect of Survey No.63/1/1/2A admeasuring 2240 sq. metres, Survey No.63/1/2/2C admeasuring 750 sq. metres, Survey No.63/1/3A admeasuring 650 sq. metres, Survey No.64/2A admeasuring 1390 sq. metres, Survey No.64/3B admeasuring 1220 sq. metres, Survey No.64/4A admeasuring 2320

AP

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

sq. metres, Survey No. 63/1/4 admeasuring 470 sq. mtrs. and Survey No. 64/1 admeasuring 3340 sq. mtrs. Copies of the said Search Reports are enclosed as **Annexures 1 (Colly)** herewith and should be treated as part and parcel of this Title Certificate.

4. I have also carefully perused the Development Agreements dated 16/12/2015 executed by Mrs. Darshana Anand Damle, age 51 years, occupation - business and agriculturist, residing at Teen Bungalow, Belavli, Badlapur (West), Taluka Ambernath, District Thane, in favour of M/s. Tharwani Realtors, a partnership firm, duly registered under the Indian Partnership Act, 1932, through its partner: Anil Hardas Tharwani, age 44 years, occupation - business, having office at Office No.310-313, 3rd floor, Persipolis Building, Plot No.74, Sector-17, Vashi, Navi Mumbai, District Thane. The said Development Agreements have been duly registered in the office of the Joint Sub-Registrar Class-II, Ulhasnagar-4 at Serial No.1207 of 2015& 1209 of 2015 respectively.

5. I have also perused the Irrevocable General Powers of Attorney dated 16/12/2015 executed by the above referred land owner Mrs.Darshana Anand Damle in favour of Shri. Anil HardasTharwani and Shri. Dhiren Anil Tharwani being partners of M/s.Tharwani Realtors in accordance with the stipulations contained in the aforesaid Development Agreements dated 16/12/2015 and particularly in clause 9 of the said Development Agreement. The said irrevocable General Powers of Attorney arealso duly registered in the office of the Joint Sub-Registrar, Class-II, Ulhasnagar-4 at Serial No.1210 of 2015& Serial No. 1208 of 2015 respectively.

Ly

6. Perusal of the Development Agreement bearing Sr. No. 1207 of 2010 would clearly indicate that the Collector of Stamps, Thane Rural has passed Order dated 10/12/2015 in Stamp Duty Adjudication Case No.766 of 2015 and has certified under Section 32(1)(b) of the Maharashtra Stamp Act, 1958 that the full stamp duty of Rs.51,94,400/- which was the stamp duty found payable on the said Development Agreement has been paid. It is also seen that the requisite registration fees of Rs.30,000/- has also been paid. The Development Agreement is adjudicated to be chargeable under Article 5(g-a) of the First Schedule of the Maharashtra Stamp Act, 1958. The Adjudicating Officer has come to a conclusion that the market value of the property is Rs.11,48,58,000/- whereas the consideration agreed to be paid by the Developer M/s. Tharwani Realtors to the land owner Mrs. Darshana Anand Damle is calculated at Rs.6,38,28,500/-. Considering the Market Value, the requisite stamp duty payable, Rs.11,48,58,000/- is the correct stamp duty payable under Article 5(g-a) referred hereinabove. In so far as the Power of Attorney is concerned, since the said Power of Attorney was being executed as an ancillary instrument pursuant to the Development Agreement and particularly clause 9 thereof, by applying Section 4 of the Maharashtra Stamp Act, 1958 stamp duty of only Rs.500/- is required to be affixed and the same is affixed.

7. Perusal of the Development Agreement bearing Sr. No. 1209 of 2010 would clearly indicate that the Collector of Stamps, Thane Rural has passed Order dated 10/12/2015 in Stamp Duty Adjudication Case No.767 of 2015 and has certified under Section 32(1)(b) of the Maharashtra Stamp Act, 1958 that the full stamp duty of Rs.19,86,300/- which was the stamp duty found payable on the said

44

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

Development Agreement has been paid. It is also seen that the requisite registration fees of Rs.30,000/- has also been paid. The Development Agreement is adjudicated to be chargeable under Article 5(g-a) of the First Schedule of the Maharashtra Stamp Act, 1958. The Adjudicating Officer has come to a conclusion that the market value of the property is Rs.4,59,06,500/- whereas the consideration agreed to be paid by the Developer M/s. Tharwani Realtors to the land owner Mrs. Darshana Anand Damle is calculated at Rs.2,61,92,500/-. Considering the Market Value, the requisite stamp duty payable, Rs.19,86,300/- is the correct stamp duty payable under Article 5(g-a) referred hereinabove. In so far as the Power of Attorney is concerned, since the said Power of Attorney was being executed as an ancillary instrument pursuant to the Development Agreement and particularly clause 9 thereof, by applying Section 4 of the Maharashtra Stamp Act, 1958 stamp duty of only Rs.500/- is required to be affixed and the same is affixed.

In my opinion therefore all the requisite provisions of the Maharashtra Stamp Act, 1958 and Indian Registration Act, 1908 have been duly complied with. The requisite stamp duty is paid on both the instruments and both the instruments are duly registered.

8. I have also carefully perused 7/12 extracts in respect of the lands in question and Mutation Entries in Village Form No.6 relating to the said land as appearing in 7/12 extract. Mrs. Darshana Anand Damle has become owner of the said lands in the following manner:

"C. That the Land Owner / Vendor has acquired exclusive marketable title through the following registered documents viz.,



- i. *Registered Sale Deed bearing Registration No. 10158/2012 executed on 26.09.2012 by Dashrath Raghu Karale and Baliram Raghu Karale through their power of attorney holder, Hari Om Construction in favour of Mrs. Darshana Anand Damle as regards property at Survey No. 62/1/1/2A in Mouje Belavali, Taluka Ambernath, Badlapur, admeasuring 2240 sq. meters.*
- ii. *Registered Sale Deed bearing Registration No. 1226/1999 executed on 19.05.1999 by Shri. Budhaji Jhipru Bhopi on behalf of himself and as Power of Attorney holder of Shri. Dattu Jhipru Bhopi, Shri. Dashrath Jhipru Bhopi and Smt. Nagubai Anant Raut in favour of Mrs. Darshana Anand Damle, Mrs. Nirmala Hari Damle and Mr. Nandkishor Hari Damle as regards land at Survey No. 64/3 admeasuring 1220 sq. meters and land at Survey No. 63/1/2/B admeasuring 750 square meters, both in Mouje Belavali, Taluka Ambernath, Badlapur.*
- iii. *Registered Sale Deed bearing Registration No. 1227/1999 executed on 19.05.1999 by Shri. Sitaram Pandurang Pathak in favour of Mrs. Darshana Anand Damle, Mrs. Nirmala Hari Damle and Mr. Nandkishor Hari Damle as regards land at Survey No. 64/2 admeasuring 1390 sq. meters and land at Survey No. 63/1/3 admeasuring 650 sq. meters, both in Mouje Belavali, Taluka Ambernath, Badlapur. Further, vide Registered Release Deed No. 6744 dated 25.08.2008, Mr. Anand Hari Damle and Mr. Nandkishor Hari Damle have released their rights in the said property in favour of Mrs. Darshana Anand Damle.*

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

- iv. *Registered Sale Deed bearing Registration No. 989/2011 executed on 28.01.2011 by Shri. Pandu Rama Karale, Smt. Shevantabai Pandu Karale, Smt. Vandana Thange, Shri. Gopal Pandurang Karale, Shri. Govind Pandurang Karale, Smt. Gulab Ravindra Bhoir, Smt. Reshma Govind Karale, Smt. Sushama Gopal Karale in favour of Mrs. Darshana Anand Damle as regards land at Survey No. 64/4 (P) admeasuring 2320 sq. meters (1414 sq. meters + road area 906 sq. meters) in MoujeBelavali, Taluka Ambernath, Badlapur.*
- v. *Registered Sale Deed dated 4.11.2015 bearing Registration No 9772/2015 of 64/1 and registered sale deed dated 4.11.2015 bearing survey no of 63/1/4 executed by MangilalPremajiChoudhari, Dnyaneshwar Shankar Ghorpade and Baliram Shankar Ghorpade in favour of Mrs. Darshana Anand Damle as regards land at Survey Nos. 64/1 admeasuring 3340 sq. mtrs. and 63/1/4admeasuring 470 sq. mtrs. in MoujeBelavali, Taluka Ambernath, Badlapur.*

9. I have also carefully perused the Memorandum of Understanding executed by Mrs. Darshana Anand Damle in favour of M/s.Tharwani Realtors on 05/09/2015.

10. I have carefully perused the Order of the Amalgamation and Sub-Division of Survey Nos. 63/1/1/2A, 63/1/2/2C, 63/1/3A, 64/2A, 64/3B, 64/4A, 64/1 and 63/1/4 in Village Belavali, Taluka Ambernath, District Thane dated 09.08.2019, sanctioned by the Assistant Town Planner and Chief Officer, KBMC. Pursuant to this,

df

after deducting the area covered by proposed 30 meter road viz. 2095.708 sq. mtrs., two Plots have been carved out. Plot No. 1 bearing S. No. 64/4 (part) and S. No. 63/1/1/2A (part) having a net plot area of 1056.31 sq. mtrs. and Plot No. 2 bearing Survey Nos. 63/1/1/2A (part), S.No.63/1/2/2C, S.No.63/1/3A, S.No.63/1/4, S.No.64/1, S.No.64/2A, 64/3B & S.No.64/4A(part) having a net plot area of 9227.98 sq. mtrs, I have carefully perused the latest Commencement Certificate dated 09/08/2019 numbered JaKr/K.B.N.P./NRV/B.P./2019-2020/6987 Unique No. 59 in respect of Survey Nos. 63/1/1/2A(part), S.No.63/1/2/2C, S.No.63/1/3A, S.No.63/1/4, S.No.64/1, S.No.64/2A, 64/3B& S.No.64/4A(part) (Plot No.2). situated at Village :Belvali, Tal: Ambernath, Dist. Thane totally admeasuring 9227.98 sq.mtrs. for the construction of 15,3815.82sq.mtrs Built Up area for Wing A1 (stilt, shops, ground + 12 floors), Wing B1 (stilt + 15 floors), Wing C1 (stilt + 8 floors) and Club House (ground + 2 floors). As per this Commencement Certificate Kulgaon - BadlapurMunicipal Council has granted permission for construction subject to certain conditions. Howevernone of the conditions affect the right to develop and in my opinion none of the conditions is such as would affect the title. In fact grant of such commencement certificate indicates that the owner & developer are entitled & authorized by the Planning Authority to carry on the Construction.

11. From the above referred Search Reports dated 01.10.2019 submitted by the Searcher / Search Clerk viz., Shri. Santosh S. Deshmukh it does not appear that there are any entries in the Register of Registered instruments which would adversely affect the title of Mrs. Darshana Damle.

4

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

12. On your instructions, I had an occasion to issue Public Notice dated 14.09.2015 when you were proposing to acquire development rights in respect of the lands in question. A copy of the said Public Notice is enclosed herewith as **Annexure-2**. I have not received any objections from any person/s in response to the said Public Notice claiming an interest adverse to the title of Mrs. Darshana Anand Damle.

13. From the aforesaid discussion I have no hesitation to opine and certify that the title of Mrs. Darshana Anand Damle in respect of the said lands bearing Survey No.63/1/1/2A admeasuring 2240 sq. metres, Survey No.63/1/2C admeasuring 750 sq. metres, Survey No.63/1/3A admeasuring 650 sq. metres, Survey No.64/2A admeasuring 1390 sq. metres, Survey No.64/3B admeasuring 1220 sq. metres, Survey No.64/4A admeasuring 2320 sq. metres, Survey No. 63/1/4 admeasuring 470 sq. mtrs. and Survey No. 64/1 admeasuring 3340 sq. mtrs. described hereunder in the Schedules to this Title Report is clear, unencumbered and marketable. I have also no hesitation to opine and state that M/s. Tharwani Realtors have validly acquired development rights in respect of the said lands.

Schedule I of the Property hereinabove described

All that pieces and parcels of land bearing Survey Nos.63/1/1/2A, situate, lying and being in the village Belavli, Taluka Ambarnath, District Thane, and surrounded:

On or towards East – Survey No. 64

On or towards North – Survey No. 64/4

On or towards West – Survey No. 63/1/2B

On or towards South – Survey No.63/1/8/2C

Rf

All that pieces and parcels of land bearing Survey Nos. 63/1/2/2/C situate, lying and being in the village Belavli, Taluka Ambernath, District Thane, and surrounded:

On or towards East – survey no:-63/1/1/2A

On or towards North – survey no:-64/3

On or towards West – survey no:-63/1/3

On or towards South – survey no:-63/1/5

All that pieces and parcels of land bearing Survey Nos. 63/1/3A situate, lying and being in the village Belavli, Taluka Ambernath, District Thane, and surrounded:

On or towards East – survey no:-63/1/1/2B

On or towards North – survey no:-64/2

On or towards West – survey no:-63/1/4

On or towards South – survey no:-63/1

All that pieces and parcels of land bearing Survey Nos. 64/2A situate, lying and being in the village Belavli, Taluka Ambernath, District Thane, and surrounded:

On or towards East – survey no:-64/3

On or towards North – survey no:-65/5

On or towards West – survey no:-64/1

On or towards South – survey no:-63/1/5

All that pieces and parcels of land bearing Survey Nos. 64/3B, situate, lying and being in the village Belavli, Taluka Ambernath, District Thane, and surrounded:

On or towards East – survey no:-64/3

AF

SHRUTI TULPULE

LLB, BCL (OXON.)

ADVOCATE

On or towards North - survey no:-65

On or towards West - survey no:-64/2

On or towards South - survey no:-63/1/1/2B All that pieces and parcels of land bearing Survey Nos. 64/4A situate, lying and being in the village Belavli, Taluka Ambernath, District Thane, and surrounded:

On or towards East - survey no:-52

On or towards North - survey no:-65

On or towards West - survey no:-64/3

On or towards South - survey no:-63/1/1/2A

I have nothing more to add.

Yours Sincerely,



(Shruti Tulpule)

Advocate, High Court

100 YARDS

1

2

3