

To:

Century Textiles & Industries Limited  
Through its division Century Estates,  
Birla Aurora, Level – 8, Dr. Annie Besant Road,  
Worli, Mumbai 400030.

Dear Sirs,

### TITLE CERTIFICATE

Re: All that piece and parcel of lands area admeasuring 89,738.29 sq. mtrs (22 Acres and 7 Gunthas) comprising of (i) Survey No.16/1/5 (part), (ii) Survey No. 16/1 (part), (a portion admeasuring 48,490 sq. mtrs. forming part of (i) and (ii) has now been assigned CTS Nos.1550/B, 1550/D and 1653) (iii) Survey No.17, (iv) Survey No.18, and (v) Survey No. 218 of Village Shahad, Taluka Kalyan, District Thane.

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#### 1. LOCATION:

All that piece and parcel of lands area admeasuring 89,738.29 sq. mtrs (22 Acres and 7 Gunthas) comprising of (i) Survey No.16/1/5 (part) area admeasuring 0 Hectare 42 Are, hereinafter referred to as **“said Property No.1”**, (ii) Survey No. 16/1 (part) area admeasuring 4 Hectare 87.12 Are, hereinafter referred to as **“said Property No.2”**, (a portion admeasuring 48,490 sq. mtrs. forming part of (i) and (ii) has now been assigned CTS Nos.1550/B, 1550/D and 1653), (iii) Survey No.17 area admeasuring 1 Hectare 62.90 Are, hereinafter referred to as **“said Property No.3”**, (iv) Survey No.18 area admeasuring 1 Hectare 43.70 Are, hereinafter referred to as **“said Property No.4”**, and (v) Survey No. 218 area admeasuring 0 Hectare 60.70 Are, hereinafter referred to as **“said Property No.5”** of Village Shahad, Taluka Kalyan, District Thane.

The said Property Nos.1, 2, 3, 4 and 5 are hereinafter collectively referred to as **“said Land”**.

#### 2. BACKGROUND:

- a. We, vide our Title Opinion dated 14 November 2017 had earlier investigated the title of Century Textiles & Industries Limited with respect to the said Land. Further, in order to record subsequent developments, we issued Title Certificate dated 17 July 2018 in respect of all that piece and parcel of land admeasuring 48,490 sq. mtrs. bearing CTS No. 1550/B admeasuring 1910 sq. mtrs., CTS No. 1550/D admeasuring 960 sq. mtrs. and CTS No. 1653 admeasuring 45620 sq. mtrs. (hereinafter referred to as the **“said Portion”**), forming part of the said Property No. 1 and the said Property No. 2.

- b. Century Textiles & Industries Limited has now requested us to issue an updated consolidated Title Certificate in respect of the said Land. Consequently, our Title Opinion dated 14 November 2017 and the Title Certificate dated 17 July 2018 stand cancelled and null and void.

### 3. DOCUMENTS PERUSED:

For the purpose of this certificate, we have reviewed the following documents:

- a. Copy of Order dated 10 October 1964 issued by Assistant Collector of Thana Division permitting M/s. Century Rayon granting permission to purchase portion admeasuring upto 1 Acre and 2 Gunthas out of land bearing Survey No. 16 for non-agricultural and industrial purpose.
- b. Copy of Sale Deed dated 23 October 1964 bearing registration No. KLN-2032 of 1964 executed between Shri Gulamali Gulam Hussain Maulvi, therein referred as Vendor and The Century Spinning and Manufacturing Co. Ltd. Proprietors of Century Rayon therein referred to as the Purchasers in respect of portion admeasuring upto 1 Acre and 2 Gunthas out of land bearing Survey No. 16.
- c. Copy of Order dated 26 May 1971 bearing No. TNC/SR/49/71 issued by Sub-Divisional Officer of Thana Division under section 63 of Bombay Tenancy and Agricultural Land Act (“**BTAL Act**”) granting permission to M/s. Century Chemicals to purchase land bearing Survey No. 16, Hissa No. 1 admeasuring 12 Acres and 2 Gunthas for non-agricultural and industrial purpose.
- d. Original Sale Deed dated 10 February 1972 bearing registration No. KLN-216/1972 (new no. KLN-104 of 1976 executed between 1) Shri Gulam Ahmed Gulam Ali Maulvi 2) Shri Abdul Razak Gulam Ali Maulvi 3) Smt. Khatijabibi Abdul Vahab Farid 4) Smt. Shajahan Begum Gulam Akbar Phangari 5) Mehrunnissa Abdul Mohasin Arab 6) Nazninbegum Hissamudin Fakih 7) Rashidabegum Jainuddin Maulvi therein referred to as the Vendors and Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd.) therein referred to as the Purchasers in respect of land bearing Survey No. 16 Hissa No. 1 admeasuring 12 Acres and 2 Gunthas
- e. Copy of Order dated 14 September 1981 bearing No. TNC/SR/56/78 issued by Sub-Divisional Officer of Thana Division under section 63 of Bombay

Tenancy and Agricultural Land Act, 1948 granting permission to Abdul Razak Gulam Ali Maulvi to sell the land bearing Survey No. 17, 18 and 218 totally admeasuring 9 Acres and 3 Gunthas to Century Spinning and Manufacturing Company Limited

- f. Original Sale Deed dated 14 October 1981 alongwith copy of registration receipt bearing registration No. K.L.N. 1002 of 1983 executed between 1) Shri Gulam Ahmed Gulam Ali Maulvi 2) Shri Abdul Razak Gulam Ali Maulvi 3) Smt. Shajahan Begum Gulam Akbar Phangari 4) Mehrunnissa Abdul Mohasin Arab 5) Nazninbegum Hissamudin Fakih 6) Rashidabegum Jainuddin Maulvi therein referred to as the Vendors and Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd.) therein referred to as the Purchasers in respect of the land bearing Survey Nos. 17, 18 and 218, totally admeasuring 9 Acres and 3 Gunthas.
- g. Copy of Indenture of Mortgage dated 22 June 2015 entered between Century Textiles & Industries Limited of the First Part, ICICI Bank Ltd., of the Second Part, HDFC Bank Ltd., of the Third Part, Indusind Bank Ltd., of the Fourth Part and State Bank of India of the Fifth Part and registered with the Office of the Sub-Registrar of Assurances at Mumbai City under Serial No. BBE/2-6113 of 2015.
- h. Copy of 7/12 extract for the year 2000 to 2016 in respect of land bearing Survey No. 16/1(part),
- i. Copy of 7/12 extract for the year 2000 to 2016 in respect of land bearing Survey No. 16/1/5 (part),
- j. Copy of 7/12 extract for the year 2013 to 2016 in respect of land bearing Survey No. 17
- k. Copy of 7/12 extract for the year 2013 to 2016 in respect of land bearing Survey No. 18
- l. Copy of 7/12 extract for the year 2013 to 2015 in respect of land bearing Survey No. 218
- m. Copy of Mutation Entries -
  - (i) In respect of land bearing Survey No.16 (1) part – 439. 804, 1331

- (ii) In respect of land bearing Survey No.16/1/5 part – 439, 669, 1331
- (iii) In respect of land bearing Survey No.17 – 22, 320, 516, 517, 552, 1092, 1331
- (iv) In respect of land bearing Survey No.18 – 122, 320, 516, 517, 552, 1092, 1331
- (v) In respect of land bearing Survey No.218 – 439, 1092, 1331
- n. Certificates dated 25 June 2012 and 4 January 2015 issued by Talathi, Shahad.
- o. Letters dated 2 November 2017 and 3 November 2017 issued by Tahsildar, Kalyan
- p. Copy of Tenancy proceedings No.32-G/Shahad/1964 filed before Additional Tahsildar and Agricultural Land Tribunal (“ALT”), alongwith copy of Judgment and Order dated 6 May 1964 passed therein,
- q. Copy of Tenancy Appeal bearing No.4 of 2000 filed before Sub Divisional Officer, Thane, alongwith copy of Order dated 22 May 2003 passed therein
- r. Copy of Appeal bearing No.32 of 2000 filed before Sub Divisional Officer, Thane, alongwith copy of Order dated 22 May 2003
- s. Copy of RTS Appeal No. bearing No.18/2007 filed before Additional Collector, Thane, alongwith copy of Order dated 28 January 2013 passed therein,
- t. Copy of Property Register Card for CTS Nos. 1550/B, 1550/D and 1653
- u. Copy of the Board Resolution dated 12 May 2017 passed by Century Textiles and Industries Ltd.
- v. Copy of Search Report dated 24 January 2017 and 26 June 2018.
- w. Copy of Order dated 15 March 2018 passed by Dy. Superintendent, Land Record Kalyan.
- x. Original Search Report dated 27 November 2018 issued by H.D. Mashelkar, Search Reporter.

- y. Copy of the Board Resolution dated 12 December, 2017 passed by Century Textiles and Industries Ltd. and a Letter dated 21 December, 2018 effecting the change of name from Birla Estates to Century Estates w.e.f 21<sup>st</sup> December, 2018.

#### 4. BRIEF HISTORY:

Based on the aforesaid documents and the information furnished to us, we observe as follows:

##### A. Survey No. 16/1/5 (part) ("said Property No.1")

- i) From Mutation Entry No. 439 dated 8 May 1946, it appears that Vinayak Ganesh Vaidya was the owner of the land bearing Survey No 16. The said Vinayak Ganesh Vaidya alongwith others sold, transferred and conveyed the land bearing Survey No.16 and certain other properties to Gulamali Gulam Hussain Maulvi vide Sale Deed dated 4 March 1946. We have not been provided with a copy of the Sale Deed dated 4 March 1946.
- ii) By an order dated 10 October 1964, the Assistant Collector of Thana Division, granted permission under section 63 of Bombay Tenancy and Agricultural Land Act, 1948 read with rule 25 of the Bombay Tenancy and Agricultural Land Rules 1956 to Century Rayon, a division of Century Spinning and Manufacturing Company Limited, (hereinafter referred to as "**Century Rayon**") for purchasing the land admeasuring 1 Acre and 2 Gunthas out of Survey No. 16 for non-agricultural and Industrial purpose with a condition that (1) the land should be used for non-agricultural and Industrial purpose only within one year from the date of the order (2) the land should not be disposed of in any manner without prior permission of the Collector. (3) the purchaser should obtain N.A. permission from the Competent Authority before the land is used for non-agricultural purpose.
- iii) By and under a Deed of Sale dated 23 October 1964 bearing registration No. KLN 2032 of 1964 Gulamali Gulam Hussain Maulvi therein referred to as the Vendor conveyed and transferred two plots admeasuring 32 Gunthas and 10 Gunthas forming part of Survey No. 16 aggregating 1 Acre and 2 Gunthas in favour of Century

Spinning and Manufacturing Company Limited (Proprietors of Century Rayon) therein referred to as the Purchaser for consideration mentioned therein. Pursuant to the aforesaid sale deed dated 23 October 1964, the name of The Century Spinning and Manufacturing Company Limited was mutated in 7/12 extract of land bearing Survey No. 16/1/5 (part) vide Mutation Entry No.669 dated 8 June 1965. It appears from perusal of 7/12 extract for the period 2000 to 2016 that the land bearing Survey No.16 (part) admeasuring 1 Acre and 2 Gunthas purchased as aforesaid has been renumbered as Survey No.16, Hissa No.1/5 (part), i.e. the said Property No.1.

- iv) From Mutation Entry No. 1331 dated 15 January 2013, it appears that pursuant to an application made for change of name from Century Spinning and Manufacturing Company Limited to Century Rayon (A division of Century Textiles and Industries Limited) in the record of rights in respect of said Property No.1 alongwith other properties owned by it, the name of Century Rayon (a division of Century Textiles and Industries Limited) accordingly has been recorded in place of Century Spinning and Manufacturing Company Limited.

**B. Survey No. 16/1 (part) ("said Property No.2)**

- i) From Mutation Entry No. 439 dated 8 May 1946, it appears that Vinayak Ganesh Vaidya was the owner of the land bearing Survey No 16. The said Vinayak Ganesh Vaidya alongwith others sold, transferred and conveyed the land bearing Survey No. 16 and certain other properties to Gulamali Gulam Hussain Maulvi vide Sale Deed dated 4 March 1946. We have not been provided with a copy of the Sale Deed dated 4 March 1946.
- ii) It appears from perusal of Sale Deed dated 10 February 1972 bearing registration No. KLN-216/1972, that Gulamali Gulam Hussain Maulvi the erstwhile owner had agreed to sell vide Agreement for Sale dated 1<sup>st</sup> March 1967, to Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd, Bombay) land bearing Survey No. 16, Hissa No. 1 admeasuring 12 Acres and 2 Gunthas for the consideration mentioned therein. We have not been provided with a copy of the Agreement for Sale dated 1 March 1967.

- iii) It further appears from perusal of the Sale Deed dated 10 February 1972 that Gulamali Gulam Hussain Maulvi the erstwhile owner expired on 3 August 1968 at Kalyan leaving behind (1) Shri Gulam Ahmed Gulam Ali Maulvi, (2) Shri Abdul Razak Gulam Ali Maulvi, (3) Smt. Khatijabibi Abdul Vahab Farid, (4) Smt. Shajahan Begum Gulam Akbar Phangari, (5) Mehrunnissa Abdul Mohasin Arab, (6) Nazninbegum Hissamudin Fakihi, and (7) Rashidabegum Jainuddin Maulvi as his legal heirs and representatives in accordance with the law by which he was governed at the time of his demise. Accordingly, the aforesaid legal heirs became entitled to land bearing Survey No. 16/1 (part). We have not been provided with mutation entry recording the death of Gulamali Gulam Hussain Maulvi to verify the same.
- iv) By an Order dated 26 May 1971 bearing No. TNC/SR/49/71 the Sub-Divisional Officer of Thana Division granted permission under section 63 of Bombay Tenancy and Agricultural Land Act, 1948 read with rule 36 of the Bombay Tenancy and Agricultural Land Rules 1956 to Abdul Razak Gulam Ali Maulvi to sell the land bearing Survey No. 16 Hissa No.1 (part) admeasuring 12 Acres and 2 Gunthas to M/s. Century Chemicals with a condition that (1) the land should be used for non-agricultural and Industrial purpose only within one year from the date of taking over the possession or within such time as may be extended by the Sub-Divisional Officer (2) the land should not be disposed of in any manner without prior permission of the Collector, Thane (3) the purchaser should obtain N.A. permission from the Competent Authority before the land is used for Non-Agricultural Purpose.
- v) By and under a Sale Deed dated 10 February 1972 bearing registration No. KLN-216/1972, executed between (1) Shri Gulam Ahmed Gulam Ali Maulvi, (2) Shri Abdul Razak Gulam Ali Maulvi, (3) Smt. Khatijabibi Abdul Vahab Farid, (4) Smt. Shajahan Begum Gulam Akbar Phangari, (5) Mehrunnissa Abdul Mohasin Arab, (6) Nazninbegum Hissamudin Fakihi, and (7) Rashidabegum Jainuddin Maulvi therein referred to as the Vendors and Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd., Bombay) therein referred to as the Purchasers, the Vendors therein transferred

and conveyed the land bearing Survey No. 16 Hissa No. 1 (part) admeasuring 12 Acres and 2 Gunthas to the Purchasers for the consideration mentioned therein. It further appears from aforesaid Sale Deed dated 10 February 1972 that the Sub Registrar had recorded an endorsement about receipt of Income tax certificate and the document was accordingly renumbered under registration No. KLN-104/1976 on 22 January 1976. Pursuant to aforesaid Sale Deed dated 10 February 1972, the name of Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd., Bombay) was recorded vide Mutation Entry No.804 dated 9 August 1972 as the Purchaser in the record of rights of said Survey No. 16 Hissa No.1.

- vi) From Mutation Entry No. 1331 dated 15 January 2013, it appears that pursuant to an application made for change of name from Century Spinning and Manufacturing Company Limited to Century Rayon (A division of Century Textiles and Industries Limited) in the record of rights in respect of said Property No.2 alongwith other properties owned by it, the name of Century Rayon (a division of Century Textiles and Industries Limited) accordingly was recorded in place of Century Chemicals (Props: Century Spinning and Manufacturing Company Limited).
- vii) Though in the year 1980 the City Survey Scheme under sections 122 and 126 of Maharashtra Land Revenue Code 1966 with respect to said Property No. 1 and said Property No. 2 was implemented, the Property Register Cards of the said Property No. 2 were not available. The Superintendent, Land Records, Kalyan, vide order dated 28 September 2017 had directed reverification and inquiry with respect to said Property No. 1 and Property No. 2. Thereafter, Dy. Superintendent, Land Record Kalyan vide Order dated 15 March 2018 issued the Property Register Cards of all that piece and parcel of land admeasuring 48,490 sq. mtrs. bearing CTS No. 1550/B admeasuring 1910 sq. mtrs., CTS No. 1550/D admeasuring 960 sq. mtrs. and CTS No. 1653 admeasuring 45620 sq. mtrs. (hereinafter referred to as the “**said Portion**”). The said Portion forms a part of the said Property No. 1 and said Property No. 2. Accordingly, the name of Century Rayon (a division of Century Textiles Industries Limited) appears in the Property Register Cards of the said Portion. The

Property Register Card has not been updated to reflect the name Century Estates Division of Century Textiles and Industries Limited.

C. **Survey Nos. 17,18 and 218 (“said Property 3, 4 and 5 respectively”)**

- i. It appears that in the year 1939 or prior thereto the land bearing Survey No.17 (**“said Property No.3”**) and land bearing Survey No.18 (**“said Property No.4”**) was owned by Sakharam Ganesh Phadke. It appears that thereafter Sakharam Ganesh Phadke sold the said Property Nos. 3 and 4 to Govind Ganesh Joglekar in the year 1939. The reference of the same is derived from partially illegible Mutation Entry No.320, which appears to have been recorded in the year 1939.
- ii. From Mutation Entry No. 439 dated 8 May 1946, it appears that Vinayak Ganesh Vaidya was the owner of the land admeasuring bearing Survey No 218 (**“said Property No.5”**). The said Vinayak Ganesh Vaidya alongwith others sold, transferred and conveyed the land bearing Survey No. 218 and certain other properties to Gulamali Gulam Hussain Maulvi vide Sale Deed dated 4 March 1946. We have not been provided with a copy of the Sale Deed dated 4 March 1946.
- iii. From Mutation Entry No.516 dated 10 October 1952, it appears that Govind Ganesh Joglekar expired on 17 November 1949 leaving behind sons - (i) Vinayak Govind Joglekar, (ii) Vasant Govind Joglekar and (iii) Krishnaji Govind Joglekar, and the name of Vinayak Govind Joglekar was recorded as Karta of Hindu Undivided Family in respect of said Property Nos. 3 and 4.
- iv. From Mutation Entry No.517 dated 10 October 1952, it appears that as per Order bearing No.RTS-WS-432 dated 23 September 1952, and pursuant to statements made by (i) Vinayak Govind Joglekar for self, (ii) Vasant Govind Joglekar and (iii) Krishnaji Govind Joglekar, the name of Yashodabai Sakharam Phadke was recorded in record of rights of said Property Nos. 3 and 4. A copy of aforesaid order is not made available for perusal.
- v. From Mutation Entry No.22 dated 9 October 1953, it appears that Pandu Undrya Kashelkar was cultivating the said Property Nos.3

and 4 and accordingly his name was recorded as a protected tenant as per provisions of Bombay Tenancy and Agricultural Land Act, 1948 (“**BTAL Act**”).

- vi. From Mutation Entry No.552 dated 17 October 1957, it appears that the possession of said Property Nos.3 and 4 was taken by landlady Yashodabai Sakharam Phadke from the tenant Pandu Undrya Kashelkar and the name of Pandu Undrya Kashelkar was deleted from the revenue records of said Property Nos.3 and 4 pursuant to an Order dated 4 October 1957 passed in Tenancy Case No.825/1957. It appears that the name of Pandu Undrya Kashelkar was deleted on account of default in payment of rent in furtherance of Order dated 4 October 1957 passed in Tenancy Case No.825/1957. We have not been provided the copies of said Order dated 4 October 1957. The reference of the same is derived from the copy of Order dated 6 May 1964 passed by Additional Tahsildar and ALT in Tenancy proceedings No.32-G/Shahad/1964. As per letter dated 2 November 2017 and 3 November 2017 issued by Tahsildar, Kalyan, the Mutation Entry register containing Mutation Entry. 552 available with Talathi, Shahad is not legible.
- vii. From perusal of Order dated 6 May 1964 passed by The Additional Mamlatdar and Agricultural Land Tribunal, Kalyan (“**ALT**”) in Tenancy proceedings No.32-G/Shahad/1964, it appears that an application under Section 32-G of Bombay Tenancy and Agricultural Land Act, 1948 (“**BTAL Act**”) was filed in the year 1964 by Undrya Pandu Kashelkar (who was legal heir of original tenant Pandu Undrya Kashelkar), for determination of purchase price in respect of said Property Nos.3 and 4, and that the same was disposed off, thereby dropping the said proceedings under Section of 32-G of BTAL.
- viii. Yashodabai Sakharam Phadke sold the said Property Nos.3 and 4 to Gulamali Gulam Hussain Maulvi in the year 1966. The said transaction in respect of said Property Nos.3 and 4 was recorded vide Mutation Entry No.712 in the record of rights. The copy of Mutation Entry No.712 is not available for perusal. As per certificate dated 04 January 2015 issued by Talathi of Village Shahad, the

original Mutation Entry register including Mutation Entry.712 has been destroyed in the flood of 25 and 26 July 2005 and therefore extract of same cannot be provided. The reference of the same is derived from Order dated 22 May 2003 passed in Tenancy Appeal No. 4 of 2000 passed by Sub Divisional Officer, Thane as mentioned in paragraph (xiv) below.

- ix. Gulamali Gulam Hussain Maulvi expired on 3 August 1968 at Kalyan leaving behind (1) Shri Gulam Ahmed Gulam Ali Maulvi, (2) Shri Abdul Razak Gulam Ali Maulvi, (3) Smt. Khatijabibi Abdul Vahab Farid, (4) Smt. Shajahan Begum Gulam Akbar Phangari, (5) Mehrunnissa Abdul Mohasin Arab, (6) Nazninbegum Hissamudin Fakhir, and (7) Rashidabegum Jainuddin Maulvi, and whose names appear to have been recorded vide Mutation Entry No.781 in the record of rights of said Property Nos.3 and 4. The copy of Mutation Entry No.781 is not available for perusal to ascertain the details of legal heirs. As per certificate dated 04 January 2015 issued by Talathi of Village Shahad, the original Mutation Entry register including Mutation Entry.781 has been destroyed in the flood of 25 and 26 July 2005 and therefore extract of same cannot be provided. The reference of the same is derived from copy of Sale Deed dated 10 February 1972.
- x. From perusal of Sale Deed dated 14 October 1981, it appears that vide an Agreement for Sale dated 10 February 1972 registered under serial No. KLN-217/1972, (1) Shri Gulam Ahmed Gulam Ali Maulvi, (2) Shri Abdul Razak Gulam Ali Maulvi, (3) Smt. Shajahan Begum Gulam Akbar Phangari, (4) Mehrunnissa Abdul Mohasin Arab, (5) Nazninbegum Hissamudin Fakhir, (6) Rashidabegum Jainuddin Maulvi, Vendors therein had agreed to sell to Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd., Bombay) the said Property Nos.3, 4 and 5, having total area admeasuring 9 Acres and 3 Gunthas for the consideration mentioned therein. We have not been provided with the copy of the Agreement for Sale dated 10 February 1972 for perusal.
- xi. By an Order dated 14 September 1981 bearing No. TNC/SR/56/78 the Sub-Divisional Officer of Thana Division granted permission

under section 63 of Bombay Tenancy and Agricultural Land Act, 1948 read with rule 36 of the Bombay Tenancy and Agricultural Land Rules 1956, to Abdul Razak Gulam Ali Maulvi to sell the said Property No.3 admeasuring 4 Acre 01 Guntha, the said Property No.4 admeasuring 3 Acre 22 Guntha and the said Property No.5 admeasuring 1 Acre 20 Guntha, total area admeasuring 9 Acres and 3 Gunthas to the Century Spinning and Manufacturing Company Limited with a condition that (1) the land should be used for discharge of effluents only, (2) The Company should not construct any structure on the land, (3) Company to obtain prior permission from the Water Pollution Board before starting the use of land (4) the land should not be disposed of without prior permission of the Collector, Thane, (5) the land should be used for discharge of effluents within one year from the date of taking over the possession or within such time as may be extended by the Sub-Divisional Officer.

- xii. By and under a Sale Deed dated 14 October 1981 bearing registration No. 1594 dated 14 October 1981, executed by (1) Shri Gulam Ahmed Gulam Ali Maulvi, (2) Shri Abdul Razak Gulam Ali Maulvi, (3) Smt. Shajahan Begum Gulam Akbar Phangari, (4) Mehrunnissa Abdul Mohasin Arab, (5) Nazninbegum Hissamudin Fakih, (6) Rashidabegum Jainuddin Maulvi, therein referred to as the Vendors in favour of Century Chemicals (Props: The Century Spinning and Manufacturing Co. Ltd., Bombay) therein referred to as the Purchasers, transferred and conveyed the said Property No.3 admeasuring 4 Acre 01 Guntha, the said Property No.4 admeasuring 3 Acre 22 Guntha and the said Property No.5 admeasuring 1 Acre 20 Guntha, total area admeasuring 9 Acres and 3 Gunthas. It further appears from aforesaid Sale Deed dated 14 October 1981 that the Sub Registrar had recorded an endorsement that Income tax certificate under section 230 A of Income Tax Act,1961 etc. are received and the document accordingly was renumbered with registration No. bearing KLN-1002 on 28 April 1983. Pursuant to aforesaid Sale Deed dated 14 October 1981, the name of The Century Spinning and Manufacturing Company Limited was mutated in the 7/12 extract of said Property Nos. 3,4 and 5 vide Mutation Entry No.1092 dated 21 December 1991.

- xiii. On perusal of aforesaid Sale Deed dated 14 October 1981, it appears that Khatijabibi Abdul Vahab Farid who was one of the legal heirs of deceased Gulamali Gulam Hussain Maulvi as per Sale Deed dated 10 February 1972 in respect of said Property No.2, was not joined as a Vendor to the Sale Deed dated 14 October 1981.
  - xiv. It appears that Undrya Pandu Kashelkar had filed Tenancy Appeal No.4 of 2000 before Sub Divisional Officer, Thane challenging the Order dated 6 May 1964 passed by Tahsildar and ALT in Tenancy Case No.32-G/Shahad. The said appeal filed was dismissed by Sub Divisional Officer, Thane vide its Order dated 22 May 2003.
  - xv. It appears that Undrya Pandu Kashelkar had also filed RTS Revision Appeal No.32 of 2000 before Sub Divisional Officer, Thane challenging the Mutation Entry No.552. The said appeal was dismissed by Sub Divisional Officer; Thane vide its Order dated 22 May 2003.
  - xvi. Bholenath Undra Kashelkar, legal heir of Undrya Pandu Kashelkar thereafter filed RTS Appeal No.18 of 2007 before Additional Collector, Thane challenging the order dated 22 May 2003 passed by Sub Divisional Officer, Thane in RTS Revision Appeal No.32 of 2000. The Hon'ble Additional Collector vide his Order dated 28 January 2013 dismissed the appeal and confirmed the order dated 22 May 2003 passed in RTS Revision/Appeal No.32/2000 as well as confirmed Mutation Entry No.552.
  - xvii. From Mutation Entry No. 1331 dated 15 January 2013, it appears that pursuant to an application made for change of name from Century Spinning and Manufacturing Company Limited to Century Textiles and Industries Limited in the record of rights in respect of said Property Nos.3, 4 and 5 alongwith other properties owned by it, the name of Century Rayon (a division of Century Textiles and Industries Limited) accordingly was recorded in place of Century Spinning and Manufacturing Company Limited.
- D. By a Board Resolution passed at a meeting of the Board of Directors of the Century Textiles and Industries Ltd. dated 12 May 2017, the Board resolved

that the said Land admeasuring 89,738.29 sq. mtrs i.e., 22 Acres and 7 Gunthas (comprising of the said Property No. 1, said Property No. 2, said Property No. 3, said Property No. 4 and said Property No. 5) be transferred from Century Rayon Division to the Birla Estates Division of Century Textiles and Industries Limited for development of land.

- E. By a Board Resolution passed at a meeting of the Board of Directors of the Century Textiles and Industries Ltd. dated 12 December 2017, the Board resolved that the name of the “Birla Estates” Division of Century Textiles and Industries Ltd. be changed to “Century Estates” Division of Century Textiles and Industries Ltd., with effect from 1 April 2018 or such other extended date as may be decided by the CEO of the aforesaid Division. Vide a letter dated 21<sup>st</sup> December, 2018, CEO of Birla Estates division has given effect to the change of name from Birla Estates to Century Estates with effect from 21<sup>st</sup> December, 2018.

## **5. MORTGAGES:**

- A. Vide Indenture of Mortgage dated 22 June 2015 entered between Century Textiles & Industries Limited of the First Part, ICICI Bank Ltd., of the Second Part, HDFC Bank Ltd., of the Third Part, IndusInd Bank Ltd., of the Fourth Part and State Bank of India of the Fifth Part and registered with the Office of the Sub-Registrar of Assurances at Mumbai City under Serial No. BBE/2-6113 of 2015, the said Century Textiles & Industries Limited mortgaged inter alia a portion of the said Land bearing Survey No. 16 admeasuring 1 Acre 02 Gunthas in favour of the aforesaid banks for securing the due repayment of the facilities that were granted by the respective banks as more particularly stated therein. Further, it was clarified therein that the mortgage created thereunder over the mortgaged properties (including the portion of the said Land being Survey No. 16 admeasuring 1 Acre 02 Gunthas) shall rank pari-passu amongst the respective aforesaid banks for securing their respective facilities.
- B. We observe that the said Indenture of Mortgage dated 22 June 2015 has not been sent for noting to the concerned Sub-Registrar of Assurances at Kalyan and therefore the document has not got reflected in the searches undertaken before the aforesaid Sub-Registrar of Assurances, being the Office of the Sub-Registrar in whose jurisdiction the said Land is situated.

- C. We have been informed that in pursuance of the aforesaid mortgage created in favour of the aforesaid banks, the Sale Deed dated 23<sup>rd</sup> October 1964 referred to in point no. 3 (b) herein above, has been deposited in the custody of ICICI Bank Ltd.

**6. SEARCHES:**

A. **Sub-Registrar Searches** -

We have caused search of the Index-II registers maintained with the concerned office of Sub-Registrar of Assurances at Kalyan through Search Clerk Mr. Harish D. Mashelkar for the years 1972 to 2018, who has furnished to us (i) Search Report dated 24 January 2017 (ii) 26 June 2018 and (iii) Search Report dated 27 November 2018 in respect of the said Land. During search Mr. Harish D. Mashelkar found that the records maintained with the office of Sub-Registrar of Assurances at Kalyan for certain years are torn /fully torn or not available, the particulars of such years have been recorded in the aforesaid Search Reports dated 24 January 2017, 26 June 2018, and 27 November 2018.

B. **ROC Searches** -

As per client's instructions, we have not caused searches to be conducted at the Office of the Registrar of Companies for the purpose of issuing this title certificate.

**7. PUBLIC NOTICE:**

We had issued a Public Notice dated 28 February 2017 in two newspapers (1) Navshakti (Marathi language) and (2) Free Press Journal (English language) investigating title of Century Rayon (a division of Century Textiles & Industries Limited) to the said Land. However, we have not received any Notice and/or Letters and/or any written correspondence claiming any right, title and interest in the said Land. No advertisements have been issued subsequently.

**8. CONCLUSION:**

In our opinion and subject to what is stated hereinabove and more particularly subject to the mortgage as stated in paragraph 5 (A) hereinabove, Century Textiles

& Industries Limited through its division Century Estates, is entitled to and has free, clear and marketable title to the said Land and can deal with the same.

**9. GENERAL:**

We have not opined on the applicability, enforceability and compliance of the Urban Land (Ceiling and Regulation) Act, 1976 and/or the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and/or order(s) passed thereunder and/or their consequences or validity and we have not dealt with the same in this Certificate.

- (a) For the purpose of this certificate we have assumed
  - (i) the legal capacity of all natural persons, genuineness of all signatures, authenticity of all documents submitted to us as certified or photocopies.
  - (ii) that there have been no amendments or changes to the documents examined by us.
  - (iii) The accuracy and completeness of all the factual representations made in the documents.
  - (iv) all documents have been adequately stamped and registered.
- (b) For the purposes of this certificate, we have relied upon information relating to:
  - (i) lineage, on the basis of revenue records and information provided to us.
- (c) For the purposes of this certificate, we have relied upon:
  - (i) copies of documents where original documents of title were not available.
  - (ii) we have not being given inspection of the originals of the documents referred to in paragraph 3 of this certificate, save and except the documents mentioned at paragraph nos. 3 (d) and (f) hereinabove;
  - (iii) certified copy of 7/12 extract/s, mutation entries, Property Register Cards.

- (d) A certificate, determination, notification, opinion or the like will not be binding on an Indian Court or any arbitrator or judicial or regulatory body which would have to be independently satisfied, despite any provision in the documents to the contrary.
  - (e) It is in a certificate based on the documents perused by us. The title has been so given at the request of the client to whom it is addressed.
  - (f) This certificate is limited to the matters pertaining to Indian Law (as on the date of this certificate) alone and we express no opinion on laws of any other jurisdiction.
  - (g) We have not opined on the applicability, enforceability and compliance of the Urban Land (Ceiling and Regulation) Act, 1976 and/or the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and/or order(s) passed thereunder and/or their consequences or validity and we have not dealt with the same in this Certificate.
  - (h) Unless specifically stated otherwise, we have not carried out any searches in any courts and have presumed that there is no pending litigation, proceedings, enquiry, etc. before any court of law, tribunal, etc. in respect of the said Land.
  - (i) We are not certifying the boundaries of the said Land nor are we qualified to express our opinion on physical identification of the said Land. We also do not express our opinion on matters related to actual physical use of the said Land.
  - (j) We are not authorized or qualified to express an opinion relating to plan permissions, approval or development potential of the said Land and the certificate does not cover or deal with the same. We have not visited the said Land.
- 10.** This certificate is addressed to Century Textiles & Industries Limited (through its division Century Estates) alone. This certificate may not be disclosed or furnished, quoted or relied on by any person or entity other than Century Textiles & Industries Limited (through its division Century Estates) for any purpose without our prior written consent. It may however be disclosed or furnished by Century Textiles & Industries Limited (through its division Century Estates), as may be required in

connection with any transaction or legal process or in relation to an inquiry or demand by any Indian governmental or regulatory authority.

Dated this 31<sup>st</sup> day of December 2018.

For M/s. Hariani & Co.

A handwritten signature in dark ink, appearing to read 'A. Hariani', written over a horizontal line.

Partner