

HARESH R. SHAH

M. COM., LL. B., ADVOCATE

Address- C/O. Raj Type & Computer, Above Bhadra Post Office,
Opp. City Civil Court, Bhadra, Ahmedabad - 1. Mob. No. 9825021069.

Ref. No.

Date: 8.6.2020

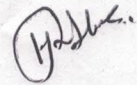
ENCUMBRANCE CERTIFICATE

This is to certify that, all flats and units lying in the scheme namely AATREY TULIPS, lying, being and situated on the N.A. land bearing F.P. No. (88+89)/1, admeasuring 10646 sq.mtrs. and F.P. No. (88+89)/2, admeasuring 2185 sq.mtrs. of Draft T.P.S. No. 80 (Bhat-Sughad) allotted in lieu of land bearing Survey No. 16/2/A, admeasuring 5767 sq.mtrs. & Survey No. 16/2/B, admeasuring 2023 sq.mtrs. & Survey No. 16/2/C, admeasuring 3642 sq.mtrs. & Survey No. 16/4, admeasuring 5538 sq.mtrs. & Survey o. 16/5, admeasuring 3642 sq.mtrs. of Village-Bhat, Taluka-Gandhinagar, within District & Registration Sub District of Gandhinagar belongs to AATREY TULIPS INFRACON LLP, a partnership firm and there is project loan of State Bank of India is still continue over the said land and except the same, the titles of said land and all flats are free from all kinds of encumbrances without any charge of any bank/s, firm/s, financial institution/s or anybody.

Name of Scheme : AATREY TULIPS
Name of Owner : AATREY TULIPS INFRACON LLP, a partnership firm
Name of Developer : AATREY TULIPS INFRACON LLP, a partnership firm

Place: Ahmedabad.

Date: 8.6.2020



HARESH R. SHAH
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TITLE CERTIFICATE & REPORT

Subject- Title Certificate & Report for the scheme known as AATREY TULIPS, lying, being and situated on the N.A. land bearing F.P. No. (88+89)/1, admeasuring 10646 sq.mtrs. and F.P. No. (88+89)/2, admeasuring 2185 sq.mtrs. of Draft T.P.S. No. 80 (Bhat-Sughad) allotted in lieu of land bearing Survey No. 16/2/A, admeasuring 5767 sq.mtrs. & Survey No. 16/2/B, admeasuring 2023 sq.mtrs. & Survey No. 16/2/C, admeasuring 3642 sq.mtrs. & Survey No. 16/4, admeasuring 5538 sq.mtrs. & Survey o. 16/5, admeasuring 3642 sq.mtrs. of Village-Bhat, Taluka-Gandhinagar, within District & Registration Sub District of Gandhinagar. (Hereinafter referred to as "The Said Land") which is belongs to Aatrey Tulips Infracon LLP.



With reference to the above the owner, possessor and occupier of the said land, all the required and necessary papers produced and handed over me for the said land. After inspection, checking, scrutinizing all the papers produced before me to my opinion I hereby come to the conclusion that:

SURVEY NO. 16/2-A (16/2/A):

1. Originally the land of Survey No. 16/2/A was registered in the name of one Natha Madhu. (Ref. Revenue Entry No. 517, dated 23rd June, 1951 and Revenue Entry No. 520, certified on 14th March, 1952.)
2. He died on 31st December, 1988 and the name of Jiviben (wife), Kanuji and Sangitaben, all of late Nathaji Madhuji were entered in the revenue records. (Ref. Revenue Entry No. 1703, dated 13th February, 1989.)
3. However, he had died leaving behind his Will, dated 26th December, 1988. Under the will, the said land is given to Ishwarbhai Baldevbhai Patel. The said land was entered in the name of Ishwarbhai Baldevbhai Patel. (Ref. Revenue Entry No. 1805, dated 12th October, 1990 and Revenue Entry No. 2564, dated 29th January, 2001.)
4. Accordingly, the said land belonged to and was registered in the name of Ishwarbhai Baldevbhai Patel.

SURVEY NO. 16/2-B (16/2/B):

1. The said land was registered in the name of one Javanji Kuberji. (Ref. Revenue Entry No. 517, dated 23rd June, 1951 and Revenue Entry No. 520, certified on 14th March, 1952.)
2. Said Javanji Kuberji died on 6th November, 1960 and the names of Baldevji, Pithuji, Somaji, Omadji, Popatji, Neniba and Chandaba, all of late Javanji Kuberji were entered in the revenue records. (Ref. Revenue Entry No. 802, dated 8th June, 1961.)
3. Said Neniba and Chandaba released their share in favour of their brothers and their names were deleted from the record of rights. (Ref. Revenue Entry No. 1126, dated 3rd April, 1971.)

Note:

Names of two sisters in Revenue Entry No. 802 are Neniba and Chandaba. However, in Revenue Entry No. 1126, it is Tejaba and Chandaba. Either Neniba is also known as Tejaba, or there is typing error.

4. Thereafter a partition was effected between Baldevji Javanji and four brothers as regards said land and many other lands, and on such partition, the land under reference is given to the share of Pithuji Javanji. (Ref. Revenue Entry No. 1384, dated 8th January, 1981.)
5. Thereafter said Pithuji Javanji died on 4th March, 1985 and the names of Amarsang, Ramsang, Jivubhai, Dashrath, Rajuji and Kahriben (wife) were entered in the revenue records. (Ref. Revenue Entry No. 1577, dated 27th January, 1986.)

Note:

Rajuji Pruthvisinh died in the year about 1986. He died without any issue and his name was deleted from the record of rights. (Ref. Revenue Entry No. 1966, dated 20th September, 1993.)

Said Dashrathji Pithuji alias Pruthvisinh also died in the year 1986 and the named of Devuba (wife), Bharatsinh, then minor and Shobhaben were entered in the record of rights. (Ref. Revenue Entry No. 1967, dated 20th September, 1993.)

I have scrutinized a report on title issued by H. Desai & Company, Advocates & Solicitors, wherein they opined and contained that "we gave public notice appeared in the daily newspaper Sandesh of 30th May, 2017 for the land of Final Plot No. 88+89/1 and of 17th November, 2017 for the land of Final Plot No. 88+89/2, inviting claims, if any, in, upon or to the property above referred to. We have not received any claim in response thereto, except claim from one Chavada Govindji Pratapji, through his Advocate, and also replied by us. Our "OBSERVATION" to the same is as stated in below.

Said Claimant, Chavada Govindji Pratapji is son of Kesharba Pithuji, and is claiming as her son. Kesharba, after the death of her father in 1985 till date has not made any claim in the land under reference. The legal heir is Kesharba Pithuji, and she alone can make claim, which has not. Therefore the claim made by Claimant is not tenable, and Claimant has no legal right to make claim.

Pithuji has died on 4th March, 1985 prior to about thirty two years, and till date Kesharba has not made any claim, also not in response to the Public Notice given by us. Her name is entered in another land of Bhat of Survey No. 165/1 as per Revenue Entry sent to us by Claimant, and she has released her share in that land and her name is deleted. This leads to believe that she of her own has allowed her name to be not entered into in revenue record of the land under reference of Survey No. 16/2-B, and also not made any claim. Her claim apparently also is barred by limitation, and adversely suffers on account of delay, laches and acquiescence.

6. Thereafter said Amarsang Pithuji, Ramsang Pithuji, Jivubhai Pithuji, Kahriben Pithuji and said heirs of Dashrathji Pithuji sold and conveyed the said land to Ishwarbhai Baldevbhai Patel, by a Deed of Conveyance on Sale, dated 12th May, 1995, registered under Sr. No. 2028. (Ref. Revenue Entry No. 2204, dated 11th June, 1996.)
7. Accordingly, Ishwarbhai Baldevbhai Patel became entitled to the said land.

SURVEY NO. 16/2-C (16/2/C):

1. Originally the land above referred to prior to 1950 belonged to one Shah Kantilal Dharamchand. One Nathuji Madhuji was the tenant thereof. He became Deemed Purchased under section 32G and other applicable provisions of Gujarat Tenancy and Agricultural Land Act. As per Order of Mamlatdar, Gandhinagar, dated 9th January, 1989 in Ganot Case No. 5999/88, purchase price was fixed of Rs. 750/-. On payment of purchase price, he is issued Sale Certificate in the prescribed Form No. 9. (Ref. Revenue Entry No. 1695, dated 9th February, 1989 and Revenue Entry No. 1732, dated 30th May, 1989.) Land in his hand was of New and Restricted Tenure.
2. Thereafter said Nathuji Madhuji died on 31st December, 1988 and the names of Jiviben (wife), Kamuji and Sangitaben, all of late Nathuji Madhuji were entered in the revenue records.

However, he had died leaving behind Will, dated 26th December, 1988 and under the Will, the said property is given to Shri Ishwarbhai Baldevbhai. (Ref. Revenue Entry No. 1805, dated 12th October, 1990.)

3. As stated above, the said land was of New and Restricted tenure. However, the same is changed from New Tenure to Old Tenure for the Agricultural Use as per Order of Collector, Gandhinagar, dated 31st March, 2016. (Ref. Revenue Entry No. 4587, dated 10th May, 2016.)
4. From the revenue record and records of the Sub Registrar, we find that in the meantime Ishwarbhai Baldevbhai Patel sold and conveyed the said land to one Shivangi Realities Pvt. Ltd., by a Deed of Conveyance on Sale, dated 15th April, 2008, registered under Sr. No. 7562. The said sale was held to be violative of Sections 43 and 63, Gujarat Tenancy and Agricultural Lands Act, and as per Order of Mamlatdar and Krushipanch, Gandhinagar, dated 30th March, 2013, the land was ordered to be entered in the name of Government, free from any encumbrance, provided the original possession is not restored within a period of ninety days (i.e. to cancel the transaction) to the original farmer, Ishwarbhai Baldevbhai Patel. The said sale was cancelled as per Deed of Cancellation, dated 20th April, 2013, registered under Sr. No. 5763. (Ref. Revenue Entry No. 4100, dated 26th April, 2013 and Revenue Entry No. 4111, dated 9th May, 2013, and records of the Sub Registrar.)
5. Accordingly, the said land as the land of Old Tenure for Agricultural Use, requiring premium to be paid for eligibility for Non Agricultural Use, belong to Ishwarbhai Baldevbhai Patel.

SURVEY NO. 16/4:

1. The land above referred to was registered in the name of Patel Keshavlal Madhavdas as Vahivatkarta of Bhar Mahadev Mandir. However, one Dhanaji Ramaji was the tenant. Under section 32G and other applicable provisions of Gujarat Tenancy and Agricultural Lands Act, Dhanaji Ramaji was declared as Deemed Purchased, and the land was ordered to be sold to him for the price of Rs. 2842.50 ps. as per order of Mamlatdar Krushipanch, dated 25th April, 1968 as the land of New and Restricted Tenure. Sale Certificate in Form No. 9 was issued. (Ref. Revenue Entry No. 1033, dated 17th May, 1968 and Revenue Entry No. 1289, dated 27th October, 1979.)
2. Dhanaji Ramaji died on 20th August, 1979 and the names of Mangaji Dhanaji, Menaben widow of Shivaji Dhanaji, Chelaji Shivaji and Babuji Shivaji were entered in the revenue records. (Ref. Revenue Entry No. 1286, dated 6th October, 1969.)
3. Thereafter, said Menaben and others sold and conveyed the said land to Patel Ishwarbhai Baldevbhai, by a Deed of Conveyance on Sale, dated 27th January, 1984, registered under Sr. No. 87. (Ref. Revenue Entry No. 1538, dated 28th January, 1984.)

Said sale was effected after obtaining permission for sale granted by Prant Officer, Viramgam Prant, dated 31st July, 1981. (Ref. Revenue Entry No. 1469 dated 15th September, 1981.)

Note:

- a) As per Order of Mamlatdar and Krushipanch, dated 11th March, 1986 in Ganot Case No. 4690/85, the said sale was held to be violative of Section 63 of Gujarat (then "Bombay") Tenancy and Agricultural Lands Act. (Ref. Revenue Entry No. 1580, dated 11th April, 1986.) However the said notice was withdrawn as Ishwarbhai Baldevbhai Patel was agriculturalist, holding another agricultural land in Bhat. (Ref. Revenue Entry No. 1665, dated 25th June, 1988.)
- b) Said Patel Ishwarbhai Baldevbhai sold and conveyed the said land to Shivangi Realities Pvt. Ltd., by a Deed of Conveyance on Sale, dated 22nd August, 2008, registered under Sr. No. 14017. (Ref. Revenue Entry No. 3333, dated 27th August, 2008.) However, the said sale is cancelled as per Cancellation, dated 1st July, 2011, registered under Sr. No. 7680. (Ref. Revenue Entry No. 3882, dated 1st July, 2011.)

4. Accordingly, the said land is held by Ishwarbhai Baldevbhai Patel.

SURVEY NO. 16/5:

1. Originally the land above referred to prior to 1960 was registered in the name of Chaturbhai Kalidas. Because of his old age, during his life time, he distributed his land under reference and other lands between his sons, and the land under reference is given to the share of Vishnubhai Chaturbhai. (Ref. Revenue Entry No. 1602, dated 2nd August, 1986.)
2. Said Vishnubhai Chaturbhai through his Power of Attorney Holder sold and conveyed the said land to Ishwarbhai Baldevbhai Patel, by a Deed of Conveyance on Sale, dated 30th June, 2001, registered under Sr. No. 2386. (Ref. Revenue Entry No. 2578, dated 5th July, 2001 and Revenue Entry No. 2664, dated 2nd January, 2003.)
3. Accordingly, the said land is held by Ishwarbhai Baldevbhai.
4. Accordingly, all the said lands of Survey Nos. 16/2-A and four others belonged to Ishwarbhai Baldevbhai Patel.
5. Said Ishwarbhai Baldevbhai Patel has sold and conveyed
 - a) the said land of Survey Nos. 16/2-A, 16/2-B and 16/5 to Shivangi Realities Pvt. Ltd., by a Deed of Conveyance on Sale dated 24th March, 2008, registered under Sr. No. 7551. (Ref. Revenue Entry No. 3259, dated 3rd May, 2008) and

- b) the said land of Survey No. 16/4 to Shivangi Realities Pvt. Ltd., by a Deed of Conveyance on Sale, dated 2nd January, 2013, registered under Sr. No. 87, (Ref. Revenue Entry No. 4067, dated 31st January, 2013.)
- c) the said land of Survey No. 16/2-C to Shivangi Realities Pvt. Ltd., by a Deed of Conveyance on Sale, dated 4th October, 2017, registered under Sr. No. 15319. (Ref. Revenue Entry No. 4813, dated 11th October, 2017.)

6. However prior to completion of sale as mentioned hereinabove, as mutually agreed between Shivangi Realities Pvt. Ltd. and said Ishwarbhai Baldevbhai Patel, as per Agreement, dated 27th June, 2017, made between them and attested by Public Notary, lands, bearing Survey No. 16/2/A, 16/2B, 16/4 and 16/5 of Shivangi Realities Pvt. Ltd has been agreed to represent and treated as given Final Plot No. 88+89/1 of 10646 Sq. Mts. and land of Ishwarbhai Baldevbhai Patel of Survey No. 16/2/C has been agreed to represent and treated as given Final Plot No. 88+89/2 of 2185 Sq. Mts.

However, said Shivangi Realities Pvt. Ltd. finally became owner of all the said lands, and Shivangi Realities Pvt. Ltd. has sold them all to Aatrey Tulips Infracon LLP, as stated in "E" above, said distribution/agreement now has no significance.

- 7.
 - a) Land of Survey No. 16/2-A, 16/2-B and 16/5 are granted permission for Non Agricultural use as per Order of District Development Officer, Gandhinagar, dated 9th October, 2007, bearing Ref. No. Ji.Pan./Jmn/NA SR/Vashi/2380-87/07.
 - b) Land of Survey No. 16/4 is granted permission for residential use by Order of Collector, Gandhinagar, dated 26th December, 2012, bearing Ref. No. CB / Jamin / Tatkal / NA / SR. 67 / 12 / Vashi..26173 to 26185/2012.
 - c) The land of Survey No. 16/2-C (also described as 16/2/C) is granted permission for Non Agricultural use as per Order of District Collector, Gandhinagar, dated 31st August, 2017, bearing No. CB / Jamin / Tatkal / NA / SR. 16 / 17 / Vashi. 19482 to 19495/2017
- 8. Shivangi Realities Pvt. Ltd has sold and conveyed its all said lands of four Survey Numbers 16/2/A, 16/2/B, 16/4 and 16/5 with corresponding land of said Final Plot No. 88+89/1 to Aatrey Tulips Infracon LLP, by a Deed of Conveyance on Sale, dated 30th June, 2017, registered under Sr. No. 10162, and the said land is entered in the name of said Aatrey Tulips Infracon LLP. (Ref. Revenue Entry No. 4784, dated 13th July, 2017.)
- 9. Shivangi Realities Pvt. Ltd. Has sold and conveyed Survey No. 16/2/C, with corresponding land of said Final Plot No. 88+89/2 to Aatrey Tulips Infracon LLP, by a Deed of Conveyance on Sale, dated 6th October, 2017, registered under Sr.

No. 15556, and the said land is entered in the name of said Aatrey Tulips Infracon LLP. (Ref. Revenue Entry No. 4814, dated 12th October, 2017.)

10. Accordingly, said land of Survey Nos. Survey Nos. 16/2/A, 16/2/B, 16/2/C, 16/4 and 16/5 with Final Plot Land of Final Plot No. 88+89/1 and 88+89/2 belong to Aatrey Tulips Infracon LLP.
11. That the Ahmedabad Municipal Corporation has granted development permission for the said land by its Order No. PRM/110/5/2017/419 dtd. 20.7.2017 and also granted revised development permission for the said land by its Order No. PRM/09/01/2018/66 dtd. 7.3.2018 and also approved the lay-out plans for Block Nos. A, B, C, D, E+F, G+H, I and J.
12. Thereafter said Aatrey Tulips Infracon LLP, a partnership firm built-up a residential scheme of flats over the said land under the name and style of Aatrey Tulips.
13. Said Aatrey Tulips Infracon LLP, a partnership firm availed project fund over the said land from State Bank of India and mortgaged the said land and all flats with the said bank by executing of Mortgage Deed Reg. No. 4974 dtd. 16.3.2018, which is still continue.
14. Said Aatrey Tulips Infracon LLP, a partnership firm through its admn. partner Mohanbhai Bhagwatprasad Agrawal have executed one Special Power of Attorney under Sec. 45-G in favor of Kanaiyalal Motiram Patel for the said land, which is duly registered before the Sub-Registrar of Assurances, Gandhinagar vide Sr. No. 4768 dtd. 15.3.2018.

Moreover after scrutiny of the papers, documents produced before me, to my opinion I hereby state that the said land duly held by Aatrey Tulips Infracon LLP as owner and occupier of the land and now the said land is also running in its name in all government semi government and relevant records.

After scrutiny of the papers, documents and statement given by the owner of said land, in my opinion that, there is no charge, interest, hypothecation, mortgage, lien and not in any custody of anybody and not taken any loan, advances by way of mortgaging, hypothecating said land to any financial institutions, bank, banks or private or public adventures and financial institutions and therefore there is no any kind of shares, rights, interest, proportion shares, partition, claim, charges, encumbrances lien, and there is on any kind of maintenance of livelihood of anybody upon said land therefore the said land is at present free from all kind of charges, lien, interest, objection, and interruption.

Further more, out of all the documents, papers produced before me, I also taken search of the said land vide Receipt No. 2020048018459, Application No. 9791 dtd. 4.6.2020 & Receipt No. 2020048018461, Application No. 9792 dtd. 4.6.2020 for the period of 1994 to 2020 from the office of Sub-Registrar, Gandhinagar.

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REPORT



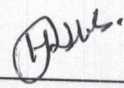
In view of the above to my opinion the said Aatrey Tulips Infracon LLP become the owner, occupier and possessor of the said land and there is no other charge of anybody over the said land except State Bank of India and the said land is free from all kind of doubts, and encumbrances and its title shall be clear, marketable and saleable **Subject to the project loan charge of State Bank of India is still continue.**

Note: This report is issued on the basis of the documentary evidences provided before me and from the search report made available from Sub-registrar of Assurances and we will not responsible for any damages with reference to any particulars thereon.

Place: Ahmedabad

Date: 8.6.2020




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