

NAGENDRA PRATAP SINGH

B.COM. LL.B.

(ADVOCATE HIGH COURT)

E:MAIL- aryan_innag@yahoo.co.in

Mob No. 9172054828

Flat No. 104, Madusudan Apartment Chs. Ltd., Plot No.6, Sec.17, Ulwe, Panvel-401206

Date:- 20/6/2019

TITLE CLEARANCE CERTIFICATE

Concern for my clients **SHRI ANSHUMAN RAMRAO WAGH**, having address at B-2, Suyognagar Co-op. Housing Society, Senapati Bapat Road, Pune 411016 and **SHRI JANARDAN JIJABA RANADIVE**, having address at 22/13, Premnagar Society, Lane No.2, Satara Road, Pune 411037, hereinafter jointly called as **"THE OWNERS"** AND **M/s. LAKHANI BUILDERS PRIVATE LIMITED**, a Company, duly incorporated under the provisions of Indian Companies Act, 2013 (as amended), having registered office address at Satra Plaza, 18th Floor, Sector – 19D, Vashi, Navi Mumbai – 400 705, hereinafter referred to as the **"DEVELOPERS"**.

I have gone through the search Report dated 16/5/2019 bearing Ref. No. 07/2019-20 taken by Mr. M. H. Gavhankar (Property Title Searcher registered under sr. No. II 11-17/168) in respect of the property bearing piece and parcel of land admeasuring about 1549.74 Sq. Mtrs., bearing Plot No.73, situated at Sector No.5, at Node Ulwe, Tal. Panvel, Dist. Raigad, within the limits of the Sub-Registrar Panvel, from the office of the Sub-Registrar office, Panvel nos. 1 to 5 for a period of 12 years commencing from 2007 till 2019.

I did not find any adverse entry regarding conveyance or any other transaction of whatsoever nature in respect of the above-mentioned property which is described herein as under.

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DESCRIPTION OF PROPERTY:

All that piece or parcel of land known as Plot No.73, situated at Sector No.5, in Ulwe Node under 12.5% (Erstwhile Gaothan Expansion Scheme) Scheme, situated at Village Ulwe, Taluka Panvel, District Raigad, containing measurement 1549.74 Sq. Mtrs. or thereabouts and bounded as follows that is to say:

- | | |
|------------------------------|--------------------|
| On or towards the North by : | Plot No.72 |
| On or towards the South by : | Plot No.74 |
| On or towards the East by : | 30 meter wide road |
| On or towards the West by : | Plot No.78 & 79 |

DOCUMENTS INSPECTED:

For the purpose of investigation of title of the said Plot/Property, I also perused the following documents:

- 1) **Documents related to acquired agricultural lands** being (i) Survey No.66, Hissa No.1 admeasuring 0.70.0 ars, (ii) Survey No.70, Hissa No.0 admeasuring 0.28.0 ars, and (iii) Survey No.72, Hissa No.6 admeasuring 0.53.0 ars at Village Bambavi belonging to Mr. **Atmaram Pandu Patil**.
- 2) **Allotment Letter** bearing reference No. Cidco / Bhumi / Satyo / 907 / Ulwe /2007 dated 06.12.2007 issued by The City and Industrial Development Corporation of Maharashtra Ltd. (CIDCO) whereby allotted Plot No.73, situated at Sector No.5, admeasuring about 1549.74 Sq. Mtrs, situated at Node Ulwe, Tal. Panvel, Dist. Raigad in the name of Mr. **Atmaram Pandu Patil**, (hereinafter

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referred to as the **Original Allottee**), under the 12.5% Scheme, hereinafter referred to as "**said Plot/Property**".

- 3) **Agreement to Lease** dated 14.12.2007 executed between the CIDCO and **Mr. Atmaram Pandu Patil** (Original Licensee) thereby the CIDCO under 12.5% Gaothan Expansion Scheme had granted to **Mr. Atmaram Pandu Patil** a Lease of said Plot/Property. The said Agreement to Lease is duly stamped & registered with the Sub-Registrar of Assurances at Panvel-1 vide its registration Serial No. PVL1-10146-2007, dated 28/12/2007.
- 4) **Agreement dated 13.04.2007** executed by **Mr. Atmaram Pandu Patil** and his wife and sons with one M/s. Shreyas Builders and Developers.
- 5) **Agreement dated 09.06.2007** executed by and between **Mr. Atmaram Pandu Patil** alongwith his wife and sons and the said M/s. Shreyas Builders and Developers (**as confirming party**) in favour of (1) SHRI ANSHUMAN RAMRAO WAGH and (2) SHRI JANARDAN JIJABA RANADIVE (hereinafter referred to as the said "**New Licensee**").
- 6) **Papers and proceedings** of Special Civil Suit No.462/2007 filed by New Licensee before the Hon'ble Civil Judge (S.D.), Panvel for specific performance of Agreement dated 09.06.2007 against the said **Mr. Atmaram Pandu Patil** and his wife and sons and others.

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- 7) **Consent Terms dated 08.09.2007** and consent decree dated 08.09.2007 passed by the Hon'ble Civil Judge (S.D.) Panvel in said Special Civil Suit No.462/2007.
- 8) **Death Certificate of Original Licensee Mr. Atmaram Pandu Patil** who expired on 14.02.2008.
- 9) **Legal Heirship Certificate dated 7th September 2009** granted by the Hon'ble Civil Judge Junior Division Panvel under Miscellaneous Application bearing No.339/2008 declaring 1. Suman Atmaram Patil, 2. Balkrishna Atmaram Patil, 3. Manohar Atmaram Patil, 4. Ganesh Atmaram Patil, 5. Pushpa Atmaram Patil, 6. Sugandha Atmaram Patil, 7. Chanda Atmaram Patil and 8. Latika Atmaram Patil as the Legal Heirs of the deceased Mr. Atmaram Pandu Patil.
- 10) **Papers and proceedings of Execution Application being Spl. Darkhast No.79/2010** filed by New Licensee/Owner for execution of the said consent decree dated 08.09.2009.
- 11) **Release Deed without consideration dated 22nd February 2011** which is registered under document No.PVL-3/1998/2011) dated 22/2/2011 whereby all the four daughters of the Late Mr. Atmaram Pandu Patil namely 1. Pushpa Atmaram Patil, 2. Sugandha Atmaram Patil, 3. Chanda Atmaram Patil and 4. Latika Atmaram Patil relinquished and released all their right, title, interest, claims and shares in the said Plot/Property in favour of wife and sons of Late Mr. Atmaram Pandu Patil.

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- 12) **Order dated 20.08.2011** passed by Hon'ble Civil Judge (S.D.) Panvel in said Spl. Darkhast No.79/2010 whereby appointed a Court Commissioner to execute a Tripartite Agreement in favour of New Licensee/Owner in respect of said Plot/Property.
- 13) **Tripartite Agreement dated 15.09.2011** executed in favour of the New Licensee/Owners which is registered as Document No. 8419 of 2011 dated 15.09.2011 at the Registrar of Sub-Assurance, Panvel-2.
- 14) **Transfer Letter No. CIDCO / VASAHAT / SATYO / ULWE / 907 / 2011 / 1218, dated 16.09.2011** issued by the CIDCO whereby transferred the said Plot in favour of New Licensee/Owner.
- 15) **Joint Venture Agreement for Development dated 21.02.2018** executed by and between New Licensee/Owner being Owners therein and the Developer M/s. LAKHANI BUILDERS PRIVATE LIMITED, being "the Developers" therein, whereby the said "New Licensee/Owner" and the Developer agreed to develop the said Plot on mutually agreed terms and conditions more particularly set out in the said Joint Venture Agreement for Development. The said Joint Venture Agreement for Development dated 21.02.2018 has been registered before the Sub-Registrar of Assurance Panvel-1 under Registration Receipt No.2389 dated 23.02.2018 and Receipt No.2649 dated 01.03.2018 and Document Serial No. PVL 1-1892-2018 dated 23.02.2018.

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- 16) **Power of Attorney dated 23.02.2018** which is registered before the sub-registrar of assurance Panvel-1 under registration Receipt No.2391 dated 23.02.2018 and Receipt No.7442 dated 12.06.2018 and Document No.PVL 1-1894-2018 dated 23.02.2018 executed by the New Licensee/Owners in favour of Mr. Sunny V. Lakhani and Mr. Sunder Vishan Lakhani being the Directors of the Developers thereby granted rights for the purpose of development and the power to comply with the compliances required for development of the said Land/Plot.
- 17) **Extension Letter** bearing No. CIDCO / VASAHAAT / SATYO / ULWE / 907 / 2019 / 157, dated 07.01.2019 issued by the CIDCO whereby extended the time period for development of said land from 14.12.2016 to 13.12.2019.
- 18) **High-Rise Building Fire NOC Letter dated 12.03.2019** issued by CIDCO in favour of New Licensee/Owner.
- 19) **Airports Authority of India NOC Letter dated 2nd day of June, 2015** bearing Ref. No. BT-1/NOC/MUM/15/NM B/130 issued towards Height Clearance for development of said Plot.
- 20) **Development Permission alongwith Commencement Certificate** issued by the Associate Planner (BP) of the City and Industrial Development Corporation of Maharashtra Limited bearing Reference No. CIDCO/BP-16348/TPO(NM&K)/2019/4245, dated 26.03.2019 whereby granted its permission to develop the

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said plot and to construct a building for residential-cum-commercial purposes on the said plot subject to the terms and conditions of the Commencement Certificate and thereby approved and sanctioned the plans in respect of the said building. This Development Permission is granted subject to the pending Court Case bearing Sp. Civil Suit No.405/2011 and Special Civil Suit No.226/2013 both pending in the Hon'ble Civil Court (S.D.) at Panvel and order passed in said pending Suit shall be binding on New Licensee/Owner. It is also mentioned therein that, if the original land owner get enhanced compensation in pursuance of the claim submitted by them under section 28A and 18 of the Land Acquisition Act, 1894 and if its proportionate additional lease premium is made applicable on the subject plot then the Licensee has to pay additional lease premium to the CIDCO.

PENDING LITIGATIONS:

During the course of inspection of documents of title I have come across about some pending litigations, the detail whereof are as follows:-

This Development Permission is granted subject to the pending Court Case bearing Sp. Civil Suit No.405/2011 and Special Civil Suit No.226/2013 both pending in the Hon'ble Civil Court (S.D.) at Panvel and order passed in said pending Suit shall be binding on New Licensee/Owner. It is also mentioned therein that, if the original land owner get enhanced compensation in pursuance of the claim submitted by them under section 28A and 18 of the Land Acquisition Act, 1894 and if its proportionate additional lease premium is made applicable on

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the subject plot then the Licensee has to pay additional lease premium to the CIDCO.

AND I HAVE TO REPORT AND CERTIFY AS UNDER:-

That the City and Industrial Development Corporation of Maharashtra Ltd. A Company incorporated under the Companies Act 1956/2013 (as amended) (hereinafter referred to as "THE CIDCO") having its Registered office at Nirmal Building, 2nd floor, Nariman Point, Bombay 400021.

The CIDCO has been declared as a New Town Development Authority under the provision of Sub-section (i) & (3-a) of Section 113 of Maharashtra Regional and Town Planning Act, 1956, Maharashtra Act No. XXXVII of 1966 (hereinafter referred to as "the said Act"), for the New Town of New Bombay. The area designated as site for New Town Under Sub-Sec. (1) and 3 (A) of section 113 of the said Act;

The State Government has acquired the agricultural lands being (i) Survey No.66, Hissa No.1 admeasuring 0.70.0 ars, (ii) Survey No.70, Hissa No.0 admeasuring 0.28.0 ars, and (iii) Survey No.72, Hissa No.6 admeasuring 0.53.0 ars at Village Bambavi belonging to Mr. Atmaram Pandu Patil and vested the same in the CIDCO by an order duly made in that behalf as per the provisions of Section 113 (A) of the said Act;

By virtue of being the Development Authority the CIDCO has been empowered under Section 118 of the said Act to dispose off any land acquired by it or vested into it in accordance with the proposal approved by the State Government under the said Act;

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The CIDCO vide an Allotment Letter bearing reference No.Cidco/Bhumi/Satyo/907/Ulwe/2007 dated 06.12.2007 allotted Plot No.73, situated at Sector 5, admeasuring about 1550 Sq. Mtrs, situated at Node Ulwe, Tal. Panvel, Dist. Raigad in the name of **Mr. Atmaram Pandu Patil**, (hereinafter referred to as the **Original Allottee**), under the 12.5% Scheme, hereinafter referred to as "**said Plot**". And an Agreement to Lease was executed on 14.12.2007 between the CIDCO and **Mr. Atmaram Pandu Patil** thereby the CIDCO under 12.5% Gaothan Expansion Scheme had granted to the **Mr. Atmaram Pandu Patil** a Lease of the said Plot. The said Agreement to Lease is duly stamped & registered with the Sub-Registrar of Assurances at Panvel 1 vide its registration Serial No. PVL1-10146-2007, dated 28/12/2007. An Agreement dated 13.04.2007 was executed by **Mr. Atmaram Pandu Patil** and his wife and sons with one M/s. Shreyas Builders and Developers. Subsequently an Agreement dated 09.06.2007 was executed by and between **Mr. Atmaram Pandu Patil** alongwith his wife and sons and the said M/s. Shreyas Builders and Developers (**as confirming party**) in favour of (1) **SHRI ANSHUMAN RAMRAO WAGH** and (2) **SHRI JANARDAN JIJABA RANADIVE** (hereinafter referred to as the said "**New Licensee**").

A Special Civil Suit No.462/2007 filed by New Licensee before the Hon'ble Civil Judge (S.D.), Panvel for specific performance of Agreement dated 09.06.2007 against the said **Mr. Atmaram Pandu Patil** and his wife and sons and others. The parties amicably settled the above Suit therefore on the basis of Consent Terms dated 08.09.2007 a consent decree dated 08.09.2007 passed by the Hon'ble Civil Judge (S.D.) Panvel in said Special Civil Suit No.462/2007. Thereafter

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Original Licensee Mr. Atmaram Pandu Patil expired on 14.02.2008. After his death Legal Heirship Certificate dated 7th September 2009 granted by the Hon'ble Civil Judge Junior Division Panvel under Miscellaneous Application bearing No.339/2008 declaring 1. Suman Atmaram Patil, 2. Balkrishna Atmaram Patil, 3. Manohar Atmaram Patil, 4. Ganesh Atmaram Patil, 5. Pushpa Atmaram Patil, 6. Sugandha Atmaram Patil, 7. Chanda Atmaram Patil and 8. Latika Atmaram Patil as the Legal Heirs of the deceased Mr. Atmaram Pandu Patil.

After executing and filing the Consent Terms dated 08.09.2007, the wife and sons of Late Mr. Atmaram Pandu Patil were not coming forward to complete the procedure to transfer the said Plot in favour of New Licensee, therefore, the New Licensee filed an Execution Application being Spl. Darkhast No.79/2010 against them for execution of the said Judgment and decree dated 8th September 2009 passed by the Hon'ble Civil Judge (S.D.) Panvel in Spl. C. S. No. 462/2007;

All the four daughters of the Late Mr. Atmaram Pandu Patil relinquished and released all their right, title, interest, claims and shares in the said Plot in favour of wife and sons of Late Mr. Atmaram Pandu Patil by executing a registered Release Deed without consideration dated 22nd February 2011 which is registered under document no. PVL-3/1998/2011) dated 22/2/2011.

Hon'ble Civil Judge (S.D.) Panvel by its order dated 20th August 2011 passed in said Spl. Darkhast No.79/2010 appointed a Court

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Commissioner to execute a Tripartite Agreement in favour of New Licensee and in pursuance of his appointment, the Learned Court Commissioner got the Tripartite Agreement dated 15th September 2011 executed in favour of the New Licensee and also got registered as Document No. 8419 of 2011 dated 15th September 2011 at the Registrar of Sub-Assurance, Panvel-2. Thus the said Plot was transferred in the name of New Licensee vide Transfer Letter No. CIDCO / VASAHAT / SATYO / ULWE / 907 / 2011 / 1218, dated 16.09.2011 issued by the CIDCO.

A Joint Venture Agreement for Development dated 21.02.2018 executed by and between New Licensee/Owner being Owners therein and the Developer M/s. LAKHANI BUILDERS PRIVATE LIMITED, being "the Developers" therein, whereby the said "New Licensee/Owner" and the Developer agreed to develop the said Plot on mutually agreed terms and conditions more particularly set out in the said Joint Venture Agreement for Development. The said Joint Venture Agreement for Development dated 21.02.2018 has been registered before the Sub-Registrar of Assurance Panvel-1 under Registration Receipt No.2389 dated 23.02.2018 and Receipt No.2649 dated 01.03.2018 and Document Serial No. PVL 1-1892-2018 dated 23.02.2018.

A Power of Attorney dated 23.02.2018 which is registered before the sub-registrar of assurance Panvel-1 under registration Receipt No.2391 dated 23.02.2018 and Receipt No.7442 dated 12.06.2018 and Document No. PVL 1-1894-2018 dated 23.02.2018 executed by the New Licensee/Owners in favour of Mr. Sunny V. Lakhani and Mr.

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Sunder Vishan Lakhani being the Directors of the Developers thereby granted rights for the purpose of development and the power to comply with the compliances required for development of the said Land/Plot.

Vide an Extension Letter bearing No. CIDCO / VASAHAT / SATYO / ULWE / 907 / 2019 / 157, dated 07.01.2019 issued by the CIDCO whereby extended the time period for development of said land from 14.12.2016 to 13.12.2019. Further High-Rise Building Fire NOC Letter dated 12.03.2019 issued by CIDCO in favour of New Licensee/Owner. Airports Authority of India NOC Letter dated 2nd day of June, 2015 bearing Ref. No. BT-1/NOC/MUM/15/NM B/130 issued towards Height Clearance for development of said Plot.

Development Permission alongwith Commencement Certificate issued by the Associate Planner (BP) of the City and Industrial Development Corporation of Maharashtra Limited bearing Reference No. CIDCO/BP-16348/TPO(NM&K)/2019/4245, dated 26.03.2019 whereby granted its permission to develop the said plot and to construct a building for residential-cum-commercial purposes on the said plot subject to the terms and conditions of the Commencement Certificate and thereby approved and sanctioned the plans in respect of the said building. This Development Permission is granted subject to the pending Court Case bearing Sp. Civil Suit No.405/2011 and Special Civil Suit No.226/2013 both pending in the Hon'ble Civil Court (S.D.) at Panvel and order passed in said pending Suit shall be binding on New Licensee/Owner. It is also mentioned therein that, if the original land owner get enhanced compensation in pursuance of the claim submitted by them under section 28A and 18 of the Land Acquisition Act, 1894 and if its proportionate additional lease premium is made applicable on

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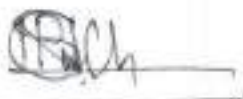
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the subject plot then the Licensee has to pay additional lease premium to the CIDCO.

On the basis of the above documents placed before me, I hereby certify that, subject to the pending Court Cases bearing Sp. Civil Suit No.405/2011 and Special Civil Suit No.226/2013 both pending in the Hon'ble Civil Court (S.D.) at Panvel and also subject to pending application for enhanced compensation filed under section 28A and 18 of the Land Acquisition Act, 1894 **SHRI ANSHUMAN RAMRAO WAGH** and **SHRI JANARDAN JIJABA RANADIVE AND M/s. LAKHANI BUILDERS PRIVATE LIMITED** are entitled to develop the said Plot and that the title of said Plot is clear and marketable subject to pending litigation as mentioned herein above.



ADVOCATE

PLACE: VASHI

DATE: 20/6/2019