

TO WHOMSOEVER IT MAY CONCERN

Sub: Building No.24 christened as "PLATINIUM TOWER" being constructed on all that pieces and parcels of lands bearing Survey Nos. 19/28, 19/29, 19/30, 20/5, 20/6 and 21/16 all lying and being at Mauje-Vadavali, in the Taluka and Registration District and Sub-District of Thane within the limit of Thane Municipal Corporation.

M/S.HAWARE'S HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED (HHDFC) a Company duly incorporated under the provisions of the Companies Act, I of 1956, and having its registered office at: 413-416, Vardhaman Market, Sector 17, Vashi, Navi Mumbai-400705 hereinafter referred to as the "**PROMOTERS**" have placed in our hands the files, papers and documents relating to the above subject plot to investigate the title of the same. On perusing the same we have to state as under:

- 1) Shri. Janardhan Atmaram Patil, Shri. Bhushan Janardhan Patil, Smt. Sulochana Janardhan Patil, Smt. Rukmini Janardhan Patil, Shri. Pradeep Janardhan Patil and Smt. Pratibha Janardhan Patil (hereinafter collectively referred to as 'Shri. Janardan Atmaram Patil & Others') were seized and possessed of and/or otherwise well and sufficiently entitled to the pieces and parcels of lands bearing

Survey No.9, HissaNo.1,3,8,9,11,12,13, 15,16,17,18,19,20, 21,22,23, 24,26,27,28,29,30,31,Survey No. 20, Hissa No. 3,4,5,7,8,9, Survey No. 21, Hissa No. 12,10,14,16,19,20,21, Survey No. 22, Hissa No. 1,7, Survey No. 23, Hissa No. 2A, 3A, 4, lying being and situated at Mauje -Vadavali, Taluka and District - Thane (W), containing by admeasurements an area of 89034 Sq. mtrs (hereinafter referred to as 'the said properties').

- 2) By an Oral Agreement dated the 14thDecember, 2005, concluded by and between M/s. Haware Engineers & Builders Pvt. Ltd. (HEBPL), of the one part and Shri. Janardhan Atmaram Patil & Others of the Second part, Shri. Janardan Atmaram Patil & Others agreed to sell, assign and transfer to M/s. Haware Engineers & Builders Private Limited (HEBPL), the said properties containing by admeasurements 89034 Sq. mtrs lying, being and situate within the limits of Thane Municipal Corporation for good and valid consideration.
- 3) Shri. Janardhan Atmaram Patil and Others thereafter refused to perform the contract and instead executed an MOU dated the 27th



January, 2006, in favour of one M/s. Neelkanth Mansions Pvt. Ltd. in respect of the said properties.

- 4) HEBPL filed a suit being Spl.C.S. No. 244 of 2006 before the Hon'ble Civil Judge (S.D.) Thane against Mr. Janardhan Patil & ors praying for specific performance of the Oral Agreement dated the 14th December, 2005 and for the cancellation of the MOU dated the 27th June, 2006 adverted to supra.
- 5) The parties to the suit settled and compromised the dispute inter se and filed a Consent Terms dated the 11th July, 2006 in Spl. C.S. No. 244 of 2006, whereunder Shri. Janardhan Atmaram Patil & others agreed to specifically perform the Oral Agreement dated the 14th December, 2005, by conveying the said properties to the HEBPL or 'their nominee/s' including the Co-operative Housing Society/Company' formed pursuant to the mandate of MOFA and M/s. Neelkanth Mansions Pvt. Ltd. agreed to cancel the MOU dated the 27th January, 2006. The suit was decreed in terms of the Consent Terms.
- 6) During the Settlement / Compromise confabulations, when the dispute was being amicably settled, Shri. Janardhan Atmaram Patil and others



executed a Development Agreement dated the 10th July, 2006 in favour of HEBPL granting them the development rights of the said properties on the terms and conditions set out in the Development Agreement dated the 10th July, 2006.

- 7) Pursuant to the said Consent Decree, the HEBPL settled the claim of M/s. Neelkanth Mansion Pvt. Ltd. and obtained the Deed of Cancellation of the MOU dated the 27th January, 2006, executed by Janardhan Atmaram Patil and others in their favour.
- 8) The Additional Collector, Thane (being the Competent Authority, Urban Agglomeration, Thane, under the Urban Land Ceiling Act) issued various order granting exemptions under Section - 20 of the Urban Land Ceiling Act in respect of the said properties.
- 9) The Collector, Thane by order dated the 28th March, 2007 bearing No. (i) Revenue/K-1/T-1/NAP/SR-43/07, (ii) Revenue/K-1/T-1/NAP/SR-44/07, (iii) Revenue/K-1/T-1/NAP/SR-45/07 granted the NA permission in respect of the said properties on the terms and conditions most specifically set out in the said letter dated the 29th March, 2007.



10) The HEBPL then proposed to develop the said properties in four phases on Survey Nos. 19/8, 19/9, 19/11, 19/12, 19/13, 19/15, 19/16, 19/18, 19/20 and 19/21 (First Phase). In like manner on the land bearing Survey Nos. 19/17, 19/19, 19/22(P), 19/23, 19/26, 19/27, 20/7, 20/8 and 20/9 (Second Phase). So also on the land bearing Survey Nos. 19/28, 19/29, 19/30, 20/5, 20/6 and 21/16 (Third Phase) and accordingly applied for the Development Permission, Commencement Certificate and approval of plans to Thane Municipal Corporation. The Fourth Phase is to come on Survey Nos. 19/1, 19/2, 19/3(P), 19/5, 19/6, 19/7A, 19/8, 19/9, 19/10, 19/14, 19/23, 19/24(P) and 21/20.

11) By various instruments the HEBPL acquired the rights, title and interest in respect of the pieces and parcels of several lands bearing S. Nos. 19/2, 19/5, 19/6, 19/7A, 19/10, 19/14, 20/6 and 21/20 lying, being and situate at Vill :Vadavali, Tal &Dist : Thane.

12) The Thane Municipal Corporation (TMC) by several Commencement Certificates (C.Cs.) dated the 23rd March, 2007 (three independent C.Cs bearing REF Nos. TMC/TDD/843, TMC/TDD/844 and



TMC/TDD/845) and C.Cs. dated the 30th March, 2007 (three independent C.Cs. bearing REF Nos. TMC/TDD/889, TMC/TDD/890 and TMC/TDD/891) approved the plans and granted the development permissions which were revised by subsequent C.Cs. all dated October 12, 2009 bearing Nos. V.P. Nos. 2007/TMC/TDD/449, V.P. No. 2007/06/TMC/TDD/448, V.P. No. 2007/05/TMC/TDD/450. The TMC again issued three amended CCs all dated 1st November, 2010. and Commencement Certificate dated the 21st June, 2016 bearing Ref No. TMC/TDD/1849/16 in respect of building No. 24.

13) By the dint of the Development Agreement dated the 10th July, 2006, the Consent Decree dated 11th July, 2006, filed in Spl. C.S. No. 244/2006, the exemptions granted under Section - 20 of the Urban Land (Ceiling and Regulation) Act, the N.A. permissions and the Commencement Certificates, all adverted to supra, HEBPL became entitled to develop the said properties and sell the Flats constructed/to be constructed thereon.

14) One Mr. Mahendra Deepchand Jain has filed a Special Civil Suit being Spl. C.S. No.468/2007 before the Court of Civil Judge, Thane



against HEBPL and their Predecessor in title in respect of the said properties interalia for declaration and cancellation of the Consent Decree dated the 11th July, 2006 as set out Supra in Spl. C.S. No.244/2006. No interim or ad interim relief has been granted. The said suit is pending.

- 15) HEBPL initially commenced the construction in three phases of 28 buildings known as "HAWARE CITY" mostly on S.N. 19 in accordance with the mandate of the C.Cs. mentioned supra and commenced selling Flatsto various interested persons.
- 16) Out of the 28 buildings proposed in Phase-III of the project "HAWARE CITY", the HEBPL completed the construction of 26 buildingsand the Thane Municipal Corporation has granted the Occupancy Certificate.
- 17). The building no.24 is under construction and building no.20 is proposed to be constructed.
- 18) HEBPL have registered the aforesaid project of building no. 24 under RERA.



- 19) HEBPL hold, directly and through their nominees, the entire share capital of the Promoters and therefore HEBPL are the Holding Company and the Promoters their Subsidiary.
- 20) Pursuant to the Family Settlement, the Board of Directors of the HEBPL passed Resolution dated 24th December, 2018, resolving that under the Memorandum of Family Settlement Dated 7th December 2018, the Construction of Building No. 24 in the project "HAWARE CITI" being constructed on the lands more particularly described in the first schedule hereunder written be transferred and assigned to M/s. Haware Development & Finance Corporation Ltd. (the Promoters herein), the Subsidiary of M/s. Haware Engineers and Builders Pvt. Ltd. (HEBPL) with all its existing and future benefits/advantages as well as obligations/responsibilities, after obtaining the permission of MahaRERA.
- 21) The Promoters were further granted rights to develop parking lot on the open land of the project bearing S. No. 20/6 (the FSI whereof has already been used in the Project) more particularly described in the



second schedule hereunder written, with the requisite permission of the Planning Authority.

22) Thereupon, HEBPL by its e-mail dated the 15th March, 2019 addressed to the Secretary, MahaRERA, applied for the permission to transfer the said Project of the Building No. 24 christened as "PLATINIUM TOWER" to the Promoters as contemplated by Section – 15 of the Real Estate (Regulation & Development) Act, 2016 (RERDA).

23) The Legal Advisor, MahaRERA, granted the said permission by his e-mail dated the 2nd April, 2019.

24) By an Agreement of Transfer of the Project under Family Settlement dated the 29th June, 2019 HEBPL assigned the project "PLATINIUM TOWER" more particularly described in the Schedule hereunder written to the Promoters on the terms and conditions more specifically set out in the said Agreement of Transfer of Project under Family Settlement. The said Agreement was duly registered with the Sub-Registrar of Assurances, Thane-3 under Sr.No.10382-2019 dated 29/06/2019.



In view of what is stated supra, we are of the opinion that the title of the Promoters, M/S. Haware's Housing Development Finance Corporation Limited (HHDFC) to the project "PLATINIUM TOWER" and the project lands more particularly set out in the schedule hereunder written is clear and marketable.

N:B: This opinion is solely based on the papers and documents produced before us. We have not taken search with the revenue and registering authority.

THE FIRST SCHEDULE ABOVE REFERRED TO:

All that pieces and parcels of lands bearing Survey Nos. 19/28, 19/29, 19/30, 20/5, 20/6 and 21/16 all lying and being at Mauje-Vadavali, in the Taluka and Registration District and Sub-District of Thane within the limit of Thane Municipal Corporation.

THE SECOND SCHEDULE ABOVE REFERRED TO:

All that piece and parcel of land bearing Survey No.20/6 admeasuring 0.04.03 H-R-P (out of the total area admeasuring 0.12.0 H-R-P) lying, being and situate at Village-Vadavali, Taluka & Dist-Thane.

Dated this 11th day of July, 2019

For M. Tripathi & Co.,

(Advocates)