

R.P.A.D./UCP / By Hand

Date 06/09/2018

To :

Nexus Builders And Developers Pvt. Ltd.

Tanna House, 2nd Floor,

Nathalal Parekh Marg,

Colaba, Mumbai - 400 039.

CERTIFICATE RELATING TO TITLE.

Re: All that piece and parcel of the land situate lying and being at Village Chitalsar Manpada, Thane Taluka, and District Thane, Registration District and Sub-District, Thane and within the limits of Thane Municipal Corporation and bearing following description :

Sr. No.	Gut No.	Hissa No.	Area In Sq. Mtrs.
1.	47	1/8	22460
2.	47	1/9	2500
3.	47	2	2030
4.	47	3A	570
TOTAL			27560

(hereinafter referred to as "the said Property").

- 1) Area of the said property :27560 sq. mtrs.

2) The Documents

For the purpose of this opinion, I have reviewed/inspected the copies of the following documents:-

- i) 7/12 extracts of Gut No. 47 Hissa No. 1/8 of Village Chitalsar Manpada, Thane Taluka, and District Thane.
- ii) 7/12 extracts of Gut No. 47 Hissa No. 1/9 of Village Chitalsar Manpada, Thane Taluka, and District Thane.
- iii) 7/12 extracts of Gut No. 47 Hissa No. 2 of Village Chitalsar Manpada, Thane Taluka, and District Thane.
- iv) 7/12 extracts of Gut No. 47 Hissa No. 3A of Village Chitalsar Manpada, Thane Taluka, and District Thane.
- v) Agreement for Development-Cum-Sale dated 25.10.1990 executed by and between Shri. Madhukar Joma Wadekar and others, 1. Shri. Rajdaksh Mahendra Sharma & 2.Shri.Kapil M. Sharma and M/s. Kirti Gaurav Builders and Developers Pvt. Ltd..
- vi) Agreement dated 17.09.1994 executed by and between Kirti Gaurav Builders & Developers Pvt. Ltd. (Vendor), Rajadaksha M. Sharma & Kapil M. Sharma (Confirming Party) and Nexus Builders & Developers Pvt. Ltd. (Purchasers).
- vii) Power of Attorney dated 19.12.1995 executed by Kirti Gaurav Builders & Developers Pvt. Ltd. in favour of Nexus Builders & Developers Pvt. Ltd..
- viii) Registered Declaration and Indemnity dated 29.06.2000 executed by Smt. Kalpana Damodar Patil, Smt. Bhagibai Atmaram Wadekar and Smt. Kusum Chatrapati Shelke.
- ix) Registered Declaration and Indemnity dated 26.06.2000 executed by Shri. Rohidas Shivram Wadekar and others.
- x) Registered Declaration and Indemnity dated 11.07.2000 executed by Shri. Vasant Motiram Wadekar & Shri. Prakash Motiram Wadekar & others.
- xi) Registered Declaration and Indemnity dated 03.07.2000 executed by (1)Smt. Sangeeta Raghunath Wadekar alias Sangeeta Raghunath Wadekar alias Sangeeta Janardhan Bhoir(2) Smt. Rekha Narayan Bhoir (3) Smt. Kavita

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Gorakhnath Mhatre alias Kavita Raghunath Wadekar & (4)
Smt. Vandana Bipin Mhatre alias Vandana Raghunath
Wadekar and their family members.

- xii) Commencement Certificate bearing V.P.No. 93/016/TMC/TDD/490 dated 21.01.2011 issued by Thane Municipal Corporation.
- xiii) Amended Commencement Certificate bearing V.P.No. 93/016/TMC/TDD/61 dated 07.07.2015 issued by Thane Municipal Corporation.
- xiv) Amended Development Permission / Commencement Certificate bearing V.P. No. 93/016/TMC/TDD/205 dated 2.01.2016 issued by Thane Municipal Corporation.
- xv) Amended Development Permission / Commencement Certificate bearing V.P. No. 93/016/TMC/TDD/2 dated 07.04.2016 issued by Thane Municipal Corporation.
- xvi) Amended Development Permission / Commencement Certificate bearing V.P. No. S04/0115/17(93/016/TMC/TDD/2665/18 dated 30th May 2018 issued by Thane Municipal Corporation.
- xvii) Title Certificate dated 30.03.2011 issued by Advocate Damodar A. Patil.
- xviii) Order No. Mahsul/K.1/T.2/Chitalsar Manpada-Thane/NAP/SR-150/2013 dated 11.12.2013 issued by Collector, Thane.
- xix) Registered Conveyance Deed dated 06.05.2014 executed between Shri. Madhukar Joma Wadekar & 29 others (Vendors), Smt. Sangeeta Raghunath Wadekar @ SangeetaJanardanBhoir& 3 others (Confirming Parties) and Kirti Gaurav Builders & Developers Pvt. Ltd. (Purchasers).
- xx) Registered Supplementary Conveyance Deed dated 26.06.2014 executed between Ravindra Madhukar Wadekar & 6 others (Vendors), Kamlabai Raghunath Wadekar & 14 others (Confirming Parties) and Kirti Gaurav Builders & Developers Pvt. Ltd. (Purchasers).

- xxi) Registered Deed of Rectification dated 17.10.2014 executed by and between Ravindra Madhukar Wadekar & 6 others through their Constituted Attorney Kirti Gaurav Builders & Developers Pvt. Ltd., Smt. Kamlabai Raghunath Wadekar & 14 others, through their Constituted Attorney Nexus Builders & Developers Pvt. Ltd., and M/s. Kirti Gaurav Builders and Developers Pvt. Ltd.
- xxii) Search Report dated 30.10.2014 issued by Searcher Mr. Ramesh Dhalpe.
- xxiii) Search Report dated 29.06.2017 issued by Searcher Mr. Sachin Patil.
- xxiv) Complaint of the suit being Special Civil Suit No. 71/2003 filed by the Madhukar Joma Wadekar and 14 others against Kirti Gaurav Builders & Developers Pvt. Ltd., yourselves and 30 others
- xxv) Written Statement filed in the suit being Special Civil Suit No. 71/2003 before Hon'ble Civil Court, Thane
- xxvi) Injunction Application filed in the Special Civil Suit No. 71/2003 by the Madhukar Joma Wadekar and 14 others against Kirti Gaurav Builders & Developers Pvt. Ltd., yourselves and 30 others
- xxvii) Reply filed to the Injunction Application of the Plaintiff in Special Civil Suit No. 71/2003 before Hon'ble Civil Court, Thane
- xxviii) Complaint of the suit being Regular Civil Suit No. 583/2003 filed by the Madhukar Joma Wadekar against State Of Maharashtra and others.
- xxix) Injunction Application filed in the Regular Civil Suit No. 583/2003 by the Madhukar Joma Wadekar against State Of Maharashtra and others.
- xxx) Written Statement and reply filed by the defendant nos. 5 to 7 in the suit being Regular Civil Suit No. 583/2003 before Hon'ble Civil Court, Thane.

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- xxxi) Order dated 29.07.2005 passed below Exh. 5 i.e. Injunction Application filed in Regular Civil Suit No. 583/2003 by the Hon'ble Civil Court, Thane
- xxxii) Status report dated 8.09.2017 given by Advocate Ratnakar D. Rashinkar in respect of Reg. Civil Suit No. 583/2003 and Spl. Civil Suit No.71/2003 pending before Hon'ble Civil Court Thane.

3. Search from the Office of the Sub-Registrar of Assurances:

Nexus Builders And Developers Pvt. Ltd. had caused search vide search clerk Mr. Sachin Patil in respect of the said Property at the office of the Sub Registrar of Assurances, at Thane for a period of about 30 years, i.e. for the period being 1988 to June 2017. He has submitted his Search Report dated 29.06.2017. The Index Books for some of the years as mentioned in the Search Report dated 29.06.2017 were found in torn condition. From the Search Report dated 29.06.2017 , it appears that no registered charge is subsisting in respect of the said Property. You are advised to take searches for the intervening period from 29.06.2017 till date and ensure that there is no registered encumbrance subsisting in respect of the said Property.

4. ROC SEARCHES

It was represented that Nexus Builders And Developers Pvt. Ltd. has caused online searches to be conducted in the office of the Registrar of Companies ("ROC") in respect of charges registered with the office of the Registrar of Companies ("ROC") by the Nexus Builders And Developers Pvt. Ltd. and informed that no charges exist.

I have not independently caused any searches in the office of the Registrar of Companies ("ROC") either online or otherwise in respect of charges registered with the office of the Registrar of Companies ("ROC") by the Nexus Builders And Developers Pvt. Ltd. or anyone else.

5. Brief History of the said Property:

Based on the aforesaid documents and the information furnished to me as well as the Search Report, I observe as follows:

- A) On or before tillers day i.e. 1st April 1957, the families headed by i) Smt. Bamibai Joma Wadekar, ii) Shri. Krishna Chango Wadekar and iii) Shri. Motiram Gana Wadekar were in possession and occupation of the lands bearing Survey Nos. 44/3, 43/5, 37/1, 35/3, 35/1, 34/4, 34/2, 33/7, 33/4, 31/11, 31/4, 32/1/1 and 31/5/1 situated at Village Chitalsar Manpada, Tal. & Dist. Thane (hereinafter referred to as 'Said larger land').
- B) In 1959, Consolidation Scheme came to be finalized in respect of various lands including lands at Chitalsar Manpada which included the Said larger land. As per such Consolidation Scheme, the original Survey Numbers were converted into Gut Numbers and respective areas also came to be corrected. As per such Consolidation Scheme, said larger land came to be given Gut No.37 and Gut No.47.
- C) Smt. Bamibai Joma Wadekar as Applicant had filed Tenancy Case No.5/1974 against Devichand Ratanji, Atashibai Udemal, Uttamchand Udemal, Mulchand Joharmal, Hira Krishna and Motiram Gana as Opponents before the Tahasildar Thane under Sec.70 (b) of Bombay Tenancy and Agricultural Lands Act, 1948 before Agricultural Land Tribunal and Tahsiladar, Thane for declaring her to be protected/lawful tenant in respect of 1/3rd portion of the said larger Land situated at Village Chitalsar Manpada, Tal. & Dist. Thane which application came to be allowed by Order dtd.18/04/1977. By an order dated 18/04/1977 passed by the Agricultural Land Tribunal and Tahsiladar, Thane, Smt. Bamibai Joma Wadekar was declared as tenant under the provisions of Sec.70 (b) of Bombay Tenancy and Agricultural Lands Act, 1948 in respect of 1/3rd portion of the said larger Land.

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- D) Being aggrieved by the aforesaid Order dtd.18/04/1977, the above named Opponents therefore filed Tenancy Appeal No.21/1977 against Smt. Bamibai Joma Wadekar , Hira Krishna and Motiram Gana before SDO Thane but the same came to be dismissed by Order dtd.23/03/1989 passed by Sub Divisional Officer Thane. Further being aggrieved by the aforesaid SDO Order, the above named Opponents filed Tenancy Appeal No.174/1989 before Maharashtra Revenue Tribunal, Mumbai (**MRT**).
- E) It was represented that said Smt. Bamibai Joma Wadekar had expired leaving behind Madhukar Joma Wadekar and Manibai Sadashiv Patil as her only legal heirs and representatives and therefore Madhukar Joma Wadekar and Manibai Sadashiv Patil became the joint tenants of the 1/3rd portion of the said larger Land.
- F) Under these circumstances, Shri. Madhukar Joma Wadekar alongwith other co-owners became jointly entitled to seize and possess or otherwise well and sufficiently entitled to all that piece and parcel of the lands bearing Gut No. 47/1(P) admeasuring 28150 sq. mtrs. or thereabout, Gut No. 47/1(P) admeasuring 3630 sq. mtrs. or thereabout, totally admeasuring 31780 as Sq. Mtrs. or thereabout as per Old revenue records and admeasuring 37130 Sq. Mtrs. or thereabout as per revised revenue records Gut No. 47/2 admeasuring 2370 sq. mtrs. or thereabout as per Old revenue records and admeasuring 2030 Sq. Mtrs or thereabout. as per revised revenue records and Gut No. 47/3 admeasuring 1670 sq. mtrs. or thereabout as per Old revenue records and admeasuring 1620 Sq. Mtrs. or thereabout as per revised revenue records, lying, being and situated at village Chitalsar Manpada, Tal. & District Thane (hereinafter referred to as 'Said lands'), accordingly to Hindu Law of Succession under which they were governed subject

to provisions of Bombay Tenancy and Agricultural Lands Act, 1948.

- G) By and under an Agreement for Development-Cum-Sale dated 25.10.1990 executed by and between Said Madhukar Joma Wadekar & others, therein referred to as Vendor of first part, 1. Shri. Rajdaksh Mahendra Sharma & 2. Shri. Kapil M. Sharma, therein referred to as the Confirming Party of the second Part and one Kirti Gaurav Builders & Developers Pvt. Ltd., therein referred to as Purchasers of the Third Part (hereinafter referred to as 'Agreement for Development-Cum-Sale dated 25.10.1990'), the said Shri. Madhukar Joma Wadekar & Others had agreed to sell, transfer and assign, with the consent of the Confirming Parties therein, their respective undivided share, right, title and interest, in the said lands unto and in favour of the Kirti Gaurav Builders & Developers Pvt. Ltd., at and for the consideration and on the terms and conditions contained therein. Pursuant to the above said Agreement for Development-Cum-Sale dated 25.10.1990, said Shri. Madhukar Joma Wadekar & Others had individually executed diverse Power of Attorneys in favour of Directors of the Kirti Gaurav Builders & Developers Pvt. Ltd., to perform and execute various acts, deeds and matters in respect of development and sale of said lands.
- H) By and under an Agreement dated 17.09.1994 executed by and between the Kirti Gaurav Builders & Developers Pvt. Ltd., therein referred to as Vendor of first part, Shri. Rajdaksh Mahendra Sharma & 2. Shri. Kapil M. Sharma, therein referred to as the Confirming Party of the second Part and the Nexus Builders And Developers Pvt. Ltd., therein referred to as Purchasers of the Third Part, the Kirti Gaurav Builders & Developers Pvt. Ltd. had agreed to sell and grant the development rights in respect of the said lands being lands bearing Gut No. 47/1(P) admeasuring 28150 sq. mtrs., Gut No. 47/1(P) admeasuring 3630 sq. mtrs., Gut No. 47/2

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admeasuring 2370 sq. mtrs. and Gut No. 47/3 admeasuring 1670 sq. mtrs. lying, being and situated at village Chitalsar Manpada, Tal. & District Thane to the Nexus Builders And Developers Pvt. Ltd., on the terms and conditions contained therein.

- I) The Sub Divisional Officer, Thane being the Competent Authority under section 43 of Bombay Tenancy and Agricultural Lands Act, 1948, vide its Order dated 09.01.1995 bearing no. T.D./VI/TNC/SR/248, has granted permission to use the said lands and other lands mentioned therein for non-agricultural purposes, upon the terms and conditions mentioned therein.
- J) Order dated 06.05.1995 bearing No. Bhoomapan/Area-Correction/Manpada/95 was passed by the Superintendent of Land Records, whereby the actual area of the lands lying, being and situated at village Chitalsar Manpada, Tal. & District Thane were corrected. The land bearing Gut No. 47/1 is certified as 37130 sq. mtrs., Gut No. 47/2 is certified as 2030 sq. mtrs. and Gut No. 47/3 is certified as 1620 sq. mtrs. and accordingly revenue records were rectified.
- K) The Deputy Collector / Additional Collector and Competent Authority for Thane and 8 K. M. peripheral area appointed under the provisions of erstwhile Urban Land (Ceiling and Regulations) Act, 1976 (for short **ULCR Act.**); by its Order dated 30th May 1990 read with further Orders dated 23rd February 1999 and dated 14th March 2002 have declared certain portion of the said lands as retainable land as detailed therein.
- L) The legal heirs of Hira Krishna Wadekar i.e. Smt. Anandibai Ganpat Bhoir and others had executed a Declaration and Indemnity dated 03.07.2000, which was lodged for registration with the Sub-Registrar, Thane on 03.07.2000

under document No. 4362/2000 along with Power of Attorney dated 03.07.2000 and thereby confirmed execution of Agreement for Development-Cum-Sale dated 25.10.1990 and having received the entire consideration amount and further confirming of having handed over physical possession of the said lands to M/s. Kirti Gaurav Builders and Developers Pvt. Ltd..

- M) Smt. Kalpana Damodar Patil along with her mother Smt. Bhagibai Atmaram Wadekar and her sister Smt. Kusum Chatrapati Shelke had executed a Declaration and Indemnity dated 29.06.2000, which was registered with the Office of Sub-Registrar, Thane on 29.06.2000 under document No. 4261/2000 along with Power of Attorney dated 29.06.2000 and thereby confirmed execution of Agreement for Development-Cum-Sale dated 25.10.1990 and having received the entire consideration amount and further confirming of having handed over physical possession of the said lands to M/s. Kirti Gaurav Builders and Developers Pvt. Ltd..
- N) The documents further reveals that Shri. Rohidas Shivram Wadekar and others had executed a Declaration and Indemnity dated 26.06.2000, which was registered with the Office of Sub-Registrar, Thane on 26.06.2000 under document No. 4159/2000 along with Power of Attorney dated 26.06.2000 and thereby confirmed execution of Agreement for Development-Cum-Sale dated 25.10.1990 and having received the entire consideration amount and further confirming of having handed over physical possession of the said lands to M/s. Kirti Gaurav Builders and Developers Pvt. Ltd..
- O) Shri. Vasant Motiram Wadekar & Shri. Prakash Motiram Wadekar alongwith their family members had executed a Declaration and Indemnity dated 11.07.2000, which was

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registered with the Office of Sub-Registrar, Thane on 11.07.2000 under document No.4546/2000 along with Power of Attorney dated 11.07.2000 and thereby confirmed execution of Agreement for Development-Cum-Sale dated 25.10.1990 and having received the entire consideration amount and further confirming of having handed over physical possession of the said lands to M/s. Kirti Gaurav Builders and Developers Pvt. Ltd..

- P) It is represented that by a Development Agreement dated 13th April 2004 executed between Nexus Builders And Developers Pvt. Ltd. and one M/s. Hiranandani Properties Pvt. Ltd. which is duly registered with the Office of Sub Registrar Thane-5 under document no. TNN5-2806-2004 on 13.04.20014, Nexus Builders And Developers Pvt. Ltd. had transferred and assigned the development rights in respect the land admeasuring 1568.125 Sq. Mtrs or thereabout forming part of said lands unto and in favour of said M/s. Hiranandani Properties Pvt. Ltd., upon the terms and conditions more particularly set out therein. Pursuant to the terms of the Development Agreement dated 13th April 2004, Nexus Builders And Developers Pvt. Ltd. put the said M/s. Hiranandani Properties Pvt. Ltd. into vacant and peaceful possession of the land admeasuring 1568.125 Sq. Mtrs or thereabout forming part of said lands;
- Q) The documents reveal that said Madhukar Joma Wadekar ,Hira Krishna Wadekar, Motiram Gana Wadekar and Bamibai Joma Wadekar had separately filed Returns under Section 6 of the Urban Land (Ceiling & Regulation) Act, 1976 (hereinafter referred to as ULC Act) in respect of the said larger Land and various other lands held by them before the Competent Authorities and in pursuance thereof the Competent Authority passed Order vide No. SR-7-23-24-98 dated 30/05/1990 under Sec, 8(4) of the said ULC Act holding that the lands mentioned in such Returns to be

Retainable lands. Since while filing Returns under Section 6 of the said ULC Act with respect to said Larger Land, some additional names other than the Owners were included, said M/s. Kirti Gaurav Builders and Developers Pvt. Ltd. acting as Constituted Attorneys of the Owners filed a Revision Application before the Competent Authority appointed under the said ULC Act to revise the said ULC Order so as to remove from the same such additional names and to pass appropriate orders with respect to the said larger Land and pursuant thereto the Competent Authority passed Order vide SR NO. 7+23+24+98 dated 23.02.1999 under Section 8 of the said ULC Act. It appears from the documents that subsequently said M/s. Kirti Gaurav Builders and Developers Pvt. Ltd. acting as Constituted Attorneys of the Owners filed Revision application before the Competent Authority under the said ULC Act to revise the Order dated 23.02.1999. In pursuance thereof the Competent Authority passed Order vide SR No.7+23+24+98 dated 25.05.2004 under Section 8 of the said ULC Act. In the said ULC Orders dated 23.02.1999 and 25.05.2004, an area admeasuring 4558 sq. mtrs. of the said larger Land was declared to be surplus and Order under Section 10 (1), 10(3) and 10(5) of the said ULC Act came to be passed ordering acquisition of such declared surplus land out of the said larger Land.

- R) Pursuant to the Agreement dated 17.09.1994, the said M/s. Nexus Builders and Developers Pvt. Ltd. has carried out construction on substantial portion of the said lands, keeping certain area of the said lands to be developed later on. The portion of the said lands which was declared to be surplus land under the Orders dated 23.02.1999 and 25.05.2004 passed by the Competent Authority under the ULC Act, same could not be developed on account of said orders. However it appears from the documents that the actual possession of such declared surplus land was not taken and effect to such Order was not given till 29th November 2007

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when the ULC Act came to be repealed by the Government of Maharashtra. The said M/s. Kirti Gaurav Builders and Developers Pvt. Ltd. acting as Constituted Attorneys of the Owners filed Writ Petition in the Hon'ble High Court, Bombay to cancel the Orders passed by the Competent Authority under Section 10 (1), 10 (3) and 10 (5) of the said ULC Act, which came to be allowed by the Hon'ble High Court, Bombay and in view thereof the said Surplus Land admeasuring as stated therein became free from the provisions of the said ULC Act and became available for the development.

- S) By and under a Conveyance Deed dated 06.05.2014, which was duly registered with the Sub-Registrar of Assurances, Thane-1 on 06.05.2014 under document No.TNN1-3769-2014 read with subsequent Deed of Rectification dated 17.10.2014 which was duly registered with the Sub-Registrar of Assurances, Thane-9 on 17.10.2014 under document No. TNN9-6583-2014, both executed by and between Shri. Madhukar Joma Wadekar and others, therein referred to as Vendor of First part, Smt. Sangeeta Raghunath Wadekar and others, therein referred to as Confirming Parties of Second part and the Kirti Gaurav Builders & Developers Pvt. Ltd., therein referred to as Purchaser of Third part, the Vendor therein had sold, conveyed and transferred the said lands to the Kirti Gaurav Builders & Developers Pvt. Ltd. subject however to the rights of the Nexus Builders And Developers Pvt. Ltd. under the above referred Agreement dated 17.09.1994, for the consideration and on the terms and conditions contained therein.
- T) By and under a Supplemental Indenture of Conveyance dated 26.06.2014 read with Deed of Rectification dated 17.10.2014 which was duly registered with the Sub-Registrar of Assurances, Thane-9 on 17.10.2014 under document No. TNN9-6582-2014, both executed by and between Ravindra Madhukar Wadekar and others, therein referred to as the

VENDOR of first part, Kamlabai Raghunath Wadekar and others, therein referred to as the confirming parties of second part and the Kirti Gaurav Builders & Developers Pvt. Ltd., therein referred to as the Purchaser of the third part, the Vendor therein had sold, conveyed, transferred and assured the said lands unto the Kirti Gaurav Builders & Developers Pvt. Ltd. subject to the rights of the Nexus Builders And Developers Pvt. Ltd. under the said Agreement dated 17.09.1994.

- U) Sometime in the year 2013 Survey and measurement of the land bearing Gut No.47/1, 47/2 and 47/3 was conducted by the TILR Thane by which the said Gut No.47/1 came to be divided into multiple Hissa Numbers namely (i) 47/1/1 admeasuring 0H-12R-50P, (ii) 47/1/2 admeasuring 0H-54R-0P, (iii) 47/1/3 admeasuring 0H-09R-60P, (iv) 47/1/4 admeasuring 0H-10R-0P, (v) 47/1/5 admeasuring 0H-03R-30P, (vi) 47/1/6 admeasuring 0H-00R-10P, (vii) 47/1/7 admeasuring 0H-01R-20P, (viii) 47/1/8 admeasuring 2H-24R-60P, (ix) 47/1/9 admeasuring 0H-25R-0P, (x) 47/1/10 admeasuring 0H-12R-00P and (xi) 47/1/11 admeasuring 0H-19R-00P.
- V) Accordingly the Revenue Authorities have made changes in *FerfarPatrak* as per Mutation Entry No.1004 dtd.23/03/2015. Further on the basis of said Mutation Entry No.1004, effect thereof is taken and accordingly 7/12 Extracts have been prepared describing the lands which are belonging to the Vendor and the lands which are belonging to Thane Municipal Corporation.
- W) As per the new Hissa numbers of said Gut No.47/1, the land admeasuring 1260.00 Sq. Mtrs or thereabout forming part of said lands, the development rights of which were assigned and transferred by the Nexus Builders And Developers Pvt. Ltd. in favour of said M/s. Hiranandani Properties Pvt. Ltd.,

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was given revenue number as 'land bearing Gut No. 47/1/1' admeasuring 0H-12R-50P or thereabout and 'land bearing Gut No. 47/1/6' admeasuring 0H-00R-10P or thereabout. Likewise, the area admeasuring 1000 Sq. Mtrs. or thereabout forming part of the said lands which was later on sold, transferred and conveyed by the Kirti Gaurav Builders & Developers Pvt. Ltd. with consent and confirmation of Nexus Builders And Developers Pvt. Ltd. unto and in favour of one M/s. Ekdant Housing by a Conveyance Deed which is registered with sub Registrar Thane-5 on 20.07.2017 dated under document No. TNN5-8606-2017, was given revenue number as 'land bearing Gut No.47/1/4' admeasuring 0H-10R-0P or thereabout.

- X) With a view to develop the said lands excluding land bearing Gut Nos. 47/1/1, 47/1/6 and 47/1/11, the Nexus Builders And Developers Pvt. Ltd. submitted revised/amended plans for development to Thane Municipal Corporation, and the Thane Municipal Corporation has sanctioned it and issued further amended plans and Commencement Certificate bearing V.P. No. S04/0115/17(93/0160/TMC/TDD/ 2665/18 dated 30.05.2018 in respect thereof.
- Y) It is represented to me that the land bearing Gut No. 47/1/4 having area admeasuring 1000 Sq. Mtrs. or thereabout is not subject matter of the present development, though shown to be part of layout and Approved Plans. It is further represented to me that the Nexus Builders And Developers Pvt. Ltd. has not till date used, consumed or utilized any development potential or Floor Space Index (FSI) of the land bearing Gut No. 47/1/4 nor used, consumed or utilized any permissible Transferable Development Rights (TDR) of the land bearing Gut No. 47/1/4 while developing the said lands and that the Nexus Builders And Developers Pvt. Ltd. is about to submit revised/amended plans to Thane Municipal

Corporation to get the land bearing Gut No. 47/1/4 deleted from the present layout.

Z) By said Approved Plans and Commencement Certificate bearing V.P.No. S04/0115/17(93/0160/TMC/TDD/ 2665/18 dated 30.05.2018, the Thane Municipal Corporation has approved the plans of the Building Nos. F-4, F-5 & F-6 as shown in the sanctioned plan, comprising of Stilt + 7th floors forming part of HYDE PARK on the said lands excluding land bearing Gut Nos. 47/1/1, 47/1/6 and 47/1/11, on the terms and conditions contained therein. The area admeasuring 9060 Sq. Mtrs. or thereabout forming part of said layout were under reservation.

AA) As per the sanctioned Development Plan of Thane Municipal Corporation, certain parts of the said lands were affected by D.P. Road as also certain parts of the said lands were reserved for Amenity Space and M.A.P., the details of which are given below :

I) PROPERTIES AFFECTED BY D.P. ROAD

Gut No. 47/1/2	Area 5400 Sq. Mtrs.
Gut No. 47/1/7	Area 120 Sq. Mtrs.
Gut No. 47/1/10	Area 1200 Sq. Mtrs.
=====	
Total	Area 6720 Sq. Mtrs.

II) AMENITY SPACE

Gut No. 47/1/3	Area 960 Sq. Mtrs.
Gut No. 47/1/5	Area 330 Sq. Mtrs.
=====	
Total	Area 1290 Sq. Mtrs.

III) M.A.P.

Gut No. 47/3-B

Area 1050 Sq. Mtrs.

In the circumstances, area admeasuring 9060 Sq. Mtrs. or thereabout forming part of said lands were under reservation. Therefore, part admeasuring 27560 Sq. Mtrs. or thereabout of the said lands [36620 sq. mts. - 9060 sq. mts. = 27560 sq. mts.] only became available for development and is the subject matter of proposed development and the same is herein referred to as SAID PROPERTY.

BB) On perusal of the Search Report, it is revealed that a Notice of Lis pendency was registered by one Bhalchandra Madhukar Wadekar & 18 Others in respect of said lands. Likewise, certain Undertakings / Agreements were also noticed to have been executed by Nexus Builders & Developers Pvt. Ltd. in favour of Thane Municipal Corporation and some other Developers. The explanation given by you to me was that all those Agreements are in respect sale and transfer of TDR and that no right, title or interest over the said property or part thereof has been created by virtue of these Agreements. However, none of these Agreements were made available to me for perusal. Likewise, the Undertakings are told to be executed in respect of handing over of portion of said lands which was under reservation to the Thane Municipal Corporation.

CC) The aforesaid documents also reveal that one Madhukar Joma Wadekar and others filed Special Civil Suit No. 71/2003 before the Hon'ble Civil Court, Thane against Kirti Gaurav Builders & Developers Pvt. Ltd., yourselves and 29 others, for declaration and injunction AND INJUNCTION that Agreement for Sale dated 25.10.1990, the supplementary Agreement

dated 4.12.1995 in so far as the suit property namely the property bearing Gut No.47/1 (part) admeasuring 3630 sq. mtrs Gur no.47/2 (part) admeasuring 2370 sq. meters and Gut no.47/3 (part) admeasuring 1670 sq. meters situate, lying and being at village Chitalsar Manpada, Thane within the limits of the Municipal Corporation of the City of Thane, Registration District Thane, stand revoked, cancelled, terminated and annulled fully and finally and for other reliefs. M/s. Kirti Gaurav Builders & Developers Pvt. Ltd. is a defendant no. 1 in the Special Civil Suit No. 71/2003 and you are the defendant no. 2 in the Special Civil Suit No. 71/2003. Alongwith the said suit, an injunction application was also filed by the Plaintiffs in the Special Civil Suit No. 71/2003. It is informed by you to me that injunction application filed in the Special Civil Suit No. 71/2003 is decided to be heard alongwith suit. However, said Special Civil Suit No. 71/2003 is still pending. Said property herein is a part of suit property in the Special Civil Suit No. 71/2003.

DD) Likewise, aforesaid documents also reveal that Madhukar Joma Wadekar others filed a Regular Civil Suit No. 583/2003 before the Hon'ble Civil Court, Thane against State Of Maharashtra and others, inter alia for declaration that Sale Permission dated 9.01.1995 granted by the defendant no. 4 vide reference no. ID/VI/TNC/SR-248 mentioned is illegal and unlawful having no force of law behind the same and for other reliefs. Alongwith the said suit, an injunction application was also filed by the Plaintiffs in the Regular Civil Suit No. 583/2003. Said injunction application has been rejected by the Hon'ble Civil Court, Thane vide its order dated 29.07.2005, It is also informed that no appeal is preferred against said order dated 29.07.2005.

EE) As per the status report dated 8.09.2017 given by Advocate Ratnakar D. Rashinkar in respect of Reg. Civil Suit No. 583/2003 and Spl. Civil Suit No.71/2003 pending before

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Hon'ble Civil Court Thane, there are no prohibitory orders passed in Reg. Civil Suit No. 583/2003 and Spl. Civil Suit No.71/2003, preventing you from completing the construction of the project on the land involved in the suits and from selling and transferring the flats in the project. However, you are advised to obtain the latest status report in respect of Reg. Civil Suit No. 583/2003 and Spl. Civil Suit No.71/2003 pending before Hon'ble Civil Court Thane to ensure that that there are no prohibitory orders passed in Reg. Civil Suit No. 583/2003 and Spl. Civil Suit No.71/2003 against you till date.

FF) Considering the documents and information provided by you to me, the facts and merit of the case, I am of opinion that, Defendant nos. 1 and 2 in the Special Civil Suit No. 71/2003 and defendants in the Regular Civil Suit No. 583/2003, have very strong case to defend and that considering that the construction of the some of the buildings is virtually completed and occupation certificate in respect of those buildings constructed on the said property are issued by the Thane Municipal Corporation, the possibility of passing of any order by the Hon'ble Civil Court, Thane, detrimental to the interest of flat purchaser/s and/or against those building constructed on the said property is very remote.

GG) The District Collector, Thane vide Order No. NAP/SR-57/2005 dated 11.11.2005, and Order No. NAP/SR-150/2013 dated 11.12.2013 granted permission for Non-Agricultural use of the said Property.

6. General :

- a. Title Certificates issued solely on the basis of the documents provided by you as mentioned in Para 2 hereinabove and we have no obligation to update this Title

Certificate with any information or replies or documents received by us beyond this date.

- b. Unless specifically stated otherwise, we have not inspected or perused the original documents in respect of the said Property.
- c. We are not qualified to and have not independently verified the area of the said Property. We have referred to and retained the admeasurements in sq. mtrs. as we have found them in various documents.
- d. We have not visited the site on which the said Property is situated.
- e. Save as otherwise stated hereinabove, we have not issued any public notice to invite claims from the public at large in respect of title of Kirti Gaurav Builders & Developers Pvt. Ltd. to the said Property and that of Nexus Builders And Developers Pvt. Ltd. as Developer.
- f. For the purpose of this Title 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) That all prior documents have been adequately stamped and duly registered.
 - v) Any statements in the documents, authorization or any certificates or confirmations relied upon by me for issuance of this Certificate is correct and otherwise genuine.

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- vi) Each document binds the parties intended to be bound thereby.
 - vii) Photocopies provided to us are accurate photocopies of originals.
- g. For the purposes of this Title Certificate, we have relied upon information relating to:
- i) All of the information (including the documents) supplied to me was, when given, and remains, true, complete, and accurate and not misleading.
 - ii) Boundaries on the basis of the documents provided to us by the clients.
- h. Unless specifically stated otherwise, I 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 Property save and except disclosed by you which are mentioned hereinabove.
- i. For the purpose of this Title Certificate, we have relied upon information relating to lineage, on the basis of revenue records and information provided to us by you.
- j. I am are not certifying the boundaries of the said Property nor are we qualified to express our opinion on physical identification of the said Property. We also do not express our opinion on matters related to actual physical use of the said Property.
- k. I express no view about the zoning / user / reservations / FSI / or developability of the said Property.
- l. I have not verified issues relating to acquisition and / or reservation of the said Property or any portion thereof by Governmental Authorities.

- m. I have not verified the market value of the properties involved nor whether appropriate stamp duty has been paid on the various documents referred to herein nor do we express any opinion thereon.
- n. I am not authorized or qualified to express an opinion relating to plan permission, approval or development potential of the said Property.
- o. 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.
- p. Even though this document is titled "The Certificate" it is in fact an opinion purely based on the documents perused by me. The Title Certificate has been so given at the request of the client to whom it is addressed.
- q. This Title Certificate is limited to the matters pertaining to Indian Law (as on the date of this Title Certificate) alone and we express no opinion on laws of any other jurisdiction.
- r. This opinion is addressed to Nexus Builders And Developers Pvt. Ltd. alone. This opinion may not be disclosed, furnished, quoted or relied on by any person or entity other than Nexus Builders And Developers Pvt. Ltd. for any purpose without my prior written consent. It may however be disclosed or furnished by Nexus Builders And Developers Pvt. Ltd. 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.

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6. CONCLUSION

On scrutiny of the documents made available to me and on the basis of information and search report provided to me by you, I am of the opinion that subject to whatever stated hereinabove and subject to outcome of litigation mentioned above, M/s. Nexus Builders & Developers Pvt. Ltd., is well and sufficiently entitled to develop the said Property by implementing development Scheme thereon as per the layout and the plans approved and the Amended Development Permission / Commencement Certificate bearing V.P. No. S04/0115/17(93/016/TMC/TDD/2665 dated 30th May 2018 issued by Thane Municipal Corporation in respect thereof and to construct the Building No. F-4, F-5 & F-6 as shown in the sanctioned plan and to sell and allot flats/shops/premises therein on ownership basis to prospective purchasers.

Yours truly,



Advocate