

P.M. KHIRE

B.Sc. (Hons.) LL.B.
Advocate

"SAKET"

44/54, Navsahyadri Society,
Parijat Lane, Karvenagar,
Pune- 411 052
Tel. : 25420579 / 25462224
Email : pmkhire@gmail.com

Date : 06.07.2017

TITLE OPINION

To,

Amit Enterprises Housing Ltd.

Amit House, 1902, Sadashiv Peth,

Bajirao Road, Pune 411 030.

Sub.: Title Opinion in respect of the properties bearing
S.Nos.60/2/2 (part) and 60/3, Mouje Undri, Taluka
Haveli, District Pune.

Sir,

I have investigated the title to the captioned property and I have
to state in my opinion as follows :

1. LIST OF DOCUMENTS GIVEN FOR MY PERUSAL :

A] S.NO.G0/2/2 :

- i. Copies of 7/12 extracts
- ii. Copies of Mutation Entries
- iii. Copy of the Sale Deed dt.15.6.1988 registered at Serial
No.8696/1989
- iv. Copy of Agreement dt.5.6.2006 registered at Serial
No.3870/2006
- v. Copy of General Power of Attorney dt.5.6.2006 registered at
Serial No.3871/2006
- vi. Copy of Demarcation Plan
- vii. Copy of the Order given u/s 20 of the Urban Land (Ceiling and
Regulation) Act, 1976 dt.22.6.2006 bearing No.ULC/S-20/D-3/P-
253/Undri/06/598



- viii. Public Notice dt.18.4.2006 issued in Daily Sakal
- ix. Copy of the Order given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 dt.25.5.2010 bearing No.ULC/KA-3/P-253/291/2010

8] S.NO.G0/3:

- i. Copies of 7/12 extracts
- ii. Copies of Mutation Entries
- iii. Copy of Agreement dt.30.5.2006 registered at Serial No.3663/2006
- iv. Copy of General Power of Attorney dt.20.5.2006 registered at Serial No.3400/2006
- v. Copy of General Power of Attorney dt.30.5.2006 registered at Serial No.3664/2006
- vi. Copy of Demarcation Plan
- vii. Copy of Order given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 dt.25.6.2006 bearing No.ULC/S-20/D-3/P-285/738 Undri/06
- viii. Copy of Order given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 dt.25.6.2006 bearing No.ULC/S-20/D-3/P-286/739 Undri/06
- ix. Copy of Order given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 dt.25.6.2006 bearing No.ULC/S-20/D-3/P-287/740 Undri/06
- x. Copy of Order given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 dt.25.6.2006 bearing No.ULC/S-20/D-3/P-288/741 Undri/06
- xi. Public Notice dt.27.3.2006 issued in Daily Sakal
- xii. Three copies of the Orders given u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 all dt.21.5.2010 bearing No.ULC/KA-3/P-286/286/2010, No.ULC/KA-3/P-287/287/2010, No.ULC/KA-3/P-285/288/2010, No.ULC/KA-3/P-288/285/2010 and No.ULC/KA-3/P-285/288/2010



- C]** Copy of Zone Certificate dt.4.4.2006 and 26.3.2010
- D]** Copies of N.A. Order bearing No.PM/NA/SR/549/2006 dt.30.3.2007 and No.PMH/NA/SR/437/10 dt.1.10.2010
- E]** Search Reports dt.7.11.2006, 22.9.2009, 17.8.2010, 23.11.2011 and 29.10.2013, 08.04.2015, 11.04.2016, 29.11.2016 and 05.07.2017.
- F]** Copy of Title Opinions dt.07.10.2010, 25.11.2011, 29.10.2013, 17.04.2015, 24.07.2015, 19.04.2016 and 01.12.2016.
- G]** Copy of NA order dated 22.09.2014.
- H]** Copy of Deed of Extension of Mortgage dated 30.09.2014.
- I]** Copy of Revised Layout plan for Group Housing Scheme bearing No.PHA/C.R.No. 808/Mouza Undri/S.No.60/2/2 (pt) and other dated 20.07.2015.
- J]** Copy of letter bearing No.808 dated 20.07.2015 of Pune Metropolitan Regional Development Authority Pune
- K]** Copy of Reconveyance Deed dated 31.10.2015 between Abhyudaya Co-operative Bank Ltd. and Amit Enterprises Housing Ltd. registered at the Office of the Sub Registrar Haveli No.4 at Serial No.13041/2015.
- L]** Copy of No Dues Certificate of Abhyudaya Co-operative Bank Ltd. dated 30.10.2015
- M]** Copy of Deed of Simple Mortgage dated 02.11.2015 between Amit Enterprises Housing Ltd. and Housing Development Finance Corporation Ltd. registered at the Office of the Sub-Registrar Haveli No.4 at Serial No.13097/2015.
- N]** Copy of Sale Deed dated 05.02.2016
- O]** Letters of Amit Enterprises Housing Ltd. dated 23.11.2016 and dated 01.07.2017
- P]** Copy of Deed of Declaration u/s 2 of Maharashtra Apartment Ownership Act 1970 dated 20.10.2016
- Q]** Copy of Order dated 24.03.2017 of Deputy Registrar Co-op. Societies and Appeal Memo thereon



2. DESCRIPTION OF PROPERTY :

A] All that piece and parcel of land and ground, situated within the Registration, Sub-Dist, Taluka Haveli, Dist. Pune, Mouje Undri and situate within the limits of Grampanchayat Undri bearing S.No.60/2/2 of which there are two portions - Northern Portion admeasuring area of 7980 Sq.mtrs. and Southern Portion admeasuring area of 2070 Sq.mtrs. out of the total area of 2 Hector 47 Are owned by Sudhakar, Dattatray and Uttam Phulaware out of 3 Hector 54 Are and bounded as per Demarcation Plan follows :-

Northern portion of S.No.G0/2/2 :

On or towards the East : By S.No.60/2/2 (part)
On or towards the South : By S.No.60/2/2 (part)
On or towards the West : By S.No.60/3
On or towards the North : By S.No.60/2/1

Southern portion of S.No.G0/2/2 :

On or towards the East : By S.No.60/2/2 (part)
On or towards the South : By Road
On or towards the West : By S.No.60/3
On or towards the North : By S.No.60/2/2 (part)

8] All that piece and parcel of land and ground, situated within the Registration, Sub-Dist, Taluka Haveli, Dist. Pune, Mouje Undri and situate within the limits of Grampanchayat Undri with all the appurtenances thereto and with all the existing developmental facilities including electric, water and drainage connections etc. bearing S.No.60/3 admeasuring an area of 2 Hector 59 Are i.e. 25900 Sq.mtrs. and bounded as per Development Agreement and Demarcation Plan follows :-

On or towards the East : By S.No.60/2/2
On or towards the South : By Katraj-Saswad Road
On or towards the West : By S.No.59
On or towards the North : By S.No.60/2/1 (Aturnagar)



Excluding Amenity Space admeasuring 4580.41 Sq.mtrs. out of the sanctioned layout of abovementioned properties bearing S.No.60/2/2(part) and 60/3, which was sold.

3. I had issued Title Opinions in respect of the captioned property on 07.10.2010, 25.11.2011, 29.10.2013, 17.04.2015, 24.07.2015, 19.04.2016 and 01.12.2016 after perusing the documents mentioned therein. The said documents at that time were returned by me along with the said Title Opinions. The said Title Opinion dt.01.12.2016 is now shown to me without however the documents mentioned thereon. Copies of the documents pertaining to the transactions in respect of the captioned property are now shown to me. I am therefore giving this Title Opinion relying on my Title Opinion dt.01.12.2016.

4. **S.NO.G0/2/2 :**

A] It appears from the 7/12 extract given by you that the land bearing S.No.60/2/2 was formerly bearing S.No.93/2 and was admeasuring 15 Acre 26 Gunthas. It further appears from the Mutation Entry bearing No.447 dt.4.9.1934, that Phalanibara was made in the year 1934 and the land bearing S.No.93/2 was given to Shri Devram Gopal Beldar. The name of Devram was mutated in the 7/12 extract vide the said Mutation Entry.

It is seen from Mutation Entry No.1846 dated 14.08.1975 that Shri. Devaram Gopal Beldar having obtained loan for bunding purposes charge thereof was mutated in other rights of 7/12 record of S.No.93/2. 7/12 extracts of S.No.60/2/2 (since S.No.93 was later on renumbered as S.No.60) from the years 1993-94 do not show such a charge and this opinion is given relying on the 7/12 extracts.

8] It is seen from the Mutation Entry bearing No.3038 dt.21.4.1984 that Shri Devram Beldar expired on 31.10.1973 leaving behind him his two sons – Lakshman and Shankar and four married daughters (i) Venubai Mahadev Chavhan, (ii) Sumanbai Madhukar Jadhav, (iii) Droupadabai Mahadev Chavhan and (iv) Saraswatibi Balu Chavhan



as his only heirs. The names of the said heirs were mutated in the 7/12 extract vide the said Mutation Entry.

C] It appears from the Mutation Entry bearing No.3211 dt.9.4.1988 that Shri Shankar Devaram Beldar alias Phulaware expired on 22.2.1987 leaving behind him his brother Lakshman, as his only legal heir. The name of Late Shankar was deleted from the 7/12 extract accordingly.

D] It is seen from the copy of the Sale Deed dt.15.6.1988 and Mutation Entry bearing No.3236 dt.20.7.1988 that Shri Lakshman Phulaware sold a portion admeasuring 3 Hectar 94 Are out of S.No.93/2 to his three sons – Sudhakar, Dattatray and Uttam. The said Sale Deed is registered at the Office of the Sub-Registrar Haveli No.I at Serial No.8696. By the said Sale Deed the land bearing S.No.93/2 was divided into two portions and the portion sold was given S.No.93/2/1. However the consent had not been taken from daughters of Late Devram Phulaware for the said Sale. Therefore their names continued to appear in the other rights column of the 7/12 extract. It is further seen from the remark of the Sub- Registrar on the said Sale Deed that at the time of the said Sale Deed the land was in Agricultural Zone.

It is seen from Mutation Entry No.3238 dated 20.07.1988 that Shri. Laxman Devaram Phulaware sold a portion admeasuring 2 H 40 Are of his share of S.No.93/2 to Shri. Kaluram Shankar Jadhav.

E] It appears from the Mutation Entry No.3792 dated 05.12.1990 that vide the order given by the Collector, Pune, the Survey Numbers were changed and accordingly S.No.93 was given S.No.60. The new Survey Number was mutated in the Revenue Records vide the said Mutation Entry.

F] It is seen from the Mutation Entry bearing No.3900 dt.15.5.1991 that (i) Venubai Mahadev Chavhan, (ii) Sumanbai Madhukar Jadhav, (iii) Droupadabai Mahadev Chavhan and (iv) Saraswatibi Balu Chavhan released their respective rights in the captioned property by

a Release Deed dt.11.2.1991. The said Release Deed appears to be registered at Serial No.2139. However copy of the said Release Deed is not given for my perusal.

G] It is seen from the Mutation Entry No.4591 dt.2.6.1993 that a Phalanibara was again made in the year 1993 and S.No.93/2 (old) 60/2 (New) was divided into two portions – 60/2/1 and 60/2/2. S.No.60/2/2 admeasuring 3 Hectors 54 Are was given to the share of Shri Sudhakar, Dattatray and Uttam Phulaware and their names were mutated accordingly in the 7/12 extract vide the said Mutation Entry.

H] By various Sale Deeds, Shri Sudhakar, Dattatray and Uttam Phulaware sold an area admeasuring 1 Hector 7 Are to various persons by different Sale Deeds. The names of the purchasers were mutated accordingly to the 7/12 extract. Accordingly a portion admeasuring 2 Hectors 47 Are, remained with Sudhakar, Dattatray and Uttam Phulaware.

I] It appears from the copy of the Development Agreement dt.5.6.2006 that Sudhakar, Dattatray and Uttam Phulaware transferred rights of development in the portion admeasuring 7980 Sq.mtrs. from the northern side and the portion admeasuring 2070 Sq.mtrs. from the southern side out of land bearing S.No.60/2/2 to M/s. Amit Enterprises. The said Development Agreement is registered at the Office of the Sub-Registrar, Haveli – XX at Serial No.3870/2006. Accordingly Irrevocable General Power of Attorney dt.5.6.2006 was given by Sudhakar, Dattatray and Uttam Phulaware in favour of M/s Amit Enterprises. The said Power of Attorney was registered at the Office of Sub-Registrar, Haveli at Serial No.3871/2006.

It is seen from Mutation Entry No.8191 dated 26.02.2007 that in accordance with the Order of Additional Collector and Competent Authority ULC, Pune a portion admeasuring 11522.4 Sq.mts. was declared surplus vacant land from the share of Shri. Sudhakar Laxman Phulaware and a remark to that effect was mutated in other rights 7/12 record of S. No.60/2/2 by the said mutation entry.



It is seen from Mutation Entry No.8315 dated 02.08.2007 that by notification under Section 10(3) of ULC Act a portion admeasuring 11522.40 Sq. mtrs. of S.No.60/2/2 was recorded as surplus land in 7/12 record thereof by the said mutation entry.

It is seen from Mutation Entry No.8729 dated 12.12.2008 that in accordance with Order of Additional Collector and Competent Authority, ULC, Pune dated 01.10.2010 the remark that land admeasuring 11522.4Sq. mtrs. was surplus vacant land was deleted from 7/12 record by the said mutation entry.

It is seen from Mutation Entry No. 8762 dated 22.01.2009 that by orders dated 15.01.2009 exemption under Section 20 of ULC Act was granted in respect of a portion admeasuring 1552.4 Sq.mtrs. of S.No.60/2/2 whereunder a portion admeasuring 2040 Sq. mtrs. was required to be delivered to the Govt. in the form of a plot, with a prohibition that the said land shall not be transferred without prior permission of the Govt. and a remark to that effect was mentioned in other rights of the 7/12 record of S.No.60/2/2 by the said mutation entry.

5. S.No.G0/3:

A] It appears from the 7/12 extract that the land bearing S.No.60/3, admeasuring 2 Hector 59 Are, was formerly bearing S.No.93/3. It is seen from the Mutation Entry bearing No.447 dt.4.9.1934 that Phalanibara was made in the year 1934 and S.No.93/2 was shown belonging to Jija Lakshman Mohite. The name of Jija Mohite was mutated in the 7/12 extract vide the said Mutation Entry.

B] It is seen from Mutation Entry No.629 dated 23.03.1945 that Jijabai Kom Gopal Mohite sold land bearing S.No.93/3 to Geetabai alias Janakabai Kom Sakharam Mohite and her name as Geetabai was mutated in 7/12 record by the said mutation entry. It is mentioned that in 7/12 record the name of Jija Gopal should be Jija Laxman Mohite. By Mutation Entry No.1082 dated 06.06.1956 the name of



Geetabai was corrected to Janakabai and such a correction was carried out in 7/12 record by the said mutation entry.

It is seen from Mutation Entry Nos.1565 dated 29.11.1969 and 1660 dated 17.02.1972 that Shri. Gopichand Sakharam Mohite obtained loan from the State Bank of India and its charge was mutated in other rights of 7/12 record of S.No.93/3 by the said mutation entry.

C] It appears from the Mutation Entry bearing No.1617 dt.30.12.1970 that Smt. Janakabai Sakharam Beldar (Mohite) had mortgaged the said land on 25.4.1963 to Pune District Co-operative Land Development Bank. The name of the said Bank was mutated as a holder in the holder's column while the name of the owner was mutated in the other rights column vide the said Mutation Entry. It further appears from the Mutation Entry bearing o.3001 dt.26.7.1983 that the requisite payment was made by Janakabai and Gopichand Beldar (Mohite) on 5.1.1965 and accordingly the name of the Bank was deleted and the name of the Owner was re-mutated in the Holder's column vide the said Mutation Entry.

Mutation Entry Nos.3000 and 3003 mentioned in 7/12 record of S.No.93/3 do not relate to the said land.

It is seen from Mutation Entry No.3306 dated 15.03.1989 that Tagai Loan against the said land having been repaid charge thereof was deleted from other rights of 7/12 record by the said mutation entry.

The charge of State Bank of India is seen deleted from other rights, however, the relevant mutation entry is not given to me and this opinion is given relying on the 7/12 extract.

D) It is seen from the Mutation Entry bearing No.3261 dt.29.11.1988 that Janakabai Sakharam Mohite expired on 1.1.1987 leaving behind her son – Gopichand as her only legal heir. The name of Shri Gopichand was mutated in the 7/12 extract vide the said Mutation Entry.



E] It appears from the Mutation Entry No.3792 dt.5.12.1990 that vide the order given by the Collector, Pune Survey Numbers were changed and accordingly S.No.93 was given S.No.60. The new Survey Number was mutated in the Revenue Records vide the said Mutation Entry.

F] It appears from the copy of the Development Agreement dt.30.5.2006 that the said land was in possession of Sakharam Pandu Beldar, who was the husband of Late Janakabai Sakharam Beldar (Mohite) and was cultivating the said land with the consent of Late Janakabai Sakharam Beldar (Mohite). After his demise Shri Gopichand Sakharam Beldar is his only legal heir.

G] It is seen from the copy of Development Agreement dt.30.5.2006 that Shri Gopichand Sakharam Mohite (for himself and as Karta and Manager of his **HUF**), with the consent of Shri. Dhruvakant Gopichand Mohite (for himself and as Karta and Manager of his **HUF**), Sou. Vandana Anil Mohite and Sou. Mangal Anand Borde (through her Power of Attorney Holder Shri. Gopichand Sakharam Mohite) transferred rights of development in the captioned property admeasuring 2 Hecter 59 Are to M/s Amit Enterprises. The said Development Agreement is registered at the Office of the Sub-Registrar, Haveli No.XX at Serial No.3663/2006. Accordingly Irrevocable General Power of Attorney dt.30.5.2006 was given by Shri Gopichand Sakharam Mohite and his family members in favour of M/s Amit Enterprises. The said Power of Attorney was registered at the Office of Sub-Registrar, Haveli at Serial No.3664/2006.

6. By the aforesaid Development Agreements M/s Amit Enterprises became entitled to develop the captioned properties, construct buildings thereon comprising of independent units, to enter into agreements of allotments / sale in respect thereof with the prospective purchasers and on the completion of the scheme to get the final conveyances completed in favour of said purchasers from the aforesaid owners.



7. It is seen from the copy of the Zone Certificate dated 04.04.2006 and 26.03.2010 that S.No.93 (Old) is designated in residential zone and affected by 24 Mtrs. wide, 60 Mtrs. wide and 12 Mtrs. wide service road.

8. A] It is seen from the copy of the Order given under Urban Land (Ceiling and Regulation) Act, 1976 that Shri Sudhakar Phulaware and others applied for exemption u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of S.No.60/2/2 admeasuring 11522.40 Sq.mtrs. for providing plots in accordance with the special dispensation issued by Government Resolution in Housing and Special Asst. Dept. No.ULC/1088/(2795)/D-XIII dt.22.8.1988 and No.ULC-1092/(2732)/D-XIV dt.27.8.1992. Accordingly the order was given on 22.6.2006 bearing No.ULC/S-20/D-3/P-253/Undri/06/598 by the Competent Authority, subject to conditions mentioned therein.

B] It is seen from the copies of the Orders given under Urban Land (Ceiling and Regulation) Act, 1976 that all the owners of S.No.60/3 applied for exemption u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the captioned property for providing plots in accordance with special dispensation issued by Government Resolution in Housing and Special Asst. Dept. and accordingly the captioned land was exempted vide following order :

	Name	Order No.	Date
a	Smt. Vandana Gopichand Mohite alias Vandana Anil Mohite	ULC/S-20/D-3/P- 286/739 Undri/06	25.7.2006
b	Shri Dhruvakant Gopichand Mohite	ULC/S-20/D-3/P- 288/741 Undri/06	25.7.2006
c	Shri Gopichand Mohite	ULC/S-20/D-3/P- 285/738 Undri/06	25.7.2006
d	Smt. Mangala Gopichand Mohite alias Mangala A. Borde	ULC/S-20/D-3/P- 287/740 Undri/06	25.7.2006

It is seen from Mutation Entry Nos.8758, 8759, 8760 and 8761 dated 22.01.2009 that by orders dated 25.07.2006 exemption under

Section 20 of ULC Act was granted in respect of a portion admeasuring 14556.75 Sq.mts. comprising S.Nos.1/3B/1, 55/1, 58/2/1A, 58/2/2A, 58/28 and 60/3 whereunder a portion admeasuring 2040 Sq.mts. was required to be delivered to the Govt. in the form of a plot, and a prohibition was imposed that the said land shall not be transferred without prior permission of the Govt. and a remark to that effect was mentioned in other rights of 7/12 record of S.No.60/3 by the said mutation entry.

C] Shri Sudharkar Laxman Phulaware submitted application to the Additional Collector and Competent Authority Pune for cancellation of the Order u/s 20 under the Urban Land (Ceiling and Regulation) Act 1976 for the area admeasuring 5733.35 Sq.mtrs. out of S.No.60/2/2 and the said authority by his Order bearing No.ULC/KA-3/P-253/291/2010 dt.25.5.2010 cancelled the exemption order for and to the extent of the said area which covered following areas-

Sr.No.	Particulars	In place of	to be read
5(iv)	Mouje Undri, Tal. Haveli	S.No.60/2/2 11522.40 (new), Sq.mtrs. 93/2/1 (old)	S.No.60/2/2 5789.05 (new), Sq.mtrs. 93/2/1 (old)
5(v)c)	Internal Road	1728.40 Sq.mtrs.	868.35 Sq.mtrs.
6(i)	Plots upto 100 Sq.mtrs.	33	17
6(ii)	Plots upto 250 Sq.mtrs.	14	7
6(iii)	Plots upto 500 Sq.mtrs.	7	4

D] Shri Dhruvakant Gopichand Mohite submitted application to the Additional Collector and Competent Authority Pune for cancellation of the Order u/s 20 under the Urban Land (Ceiling and Regulation) Act 1976 for the area admeasuring 3944.25 Sq.mtrs. out of S.No.60/3 and the said authority by his Order bearing No.ULC/KA-3/P-288/285/2010 dt.21.5.2010 cancelled the exemption order for and to the extent of the said area which covered following areas -



Sr.No.	Particulars	In place of		to be read	
5(iii)	Area to be given to the Govt.	2040.00 Sq.mtrs.		1417.31 Sq.mtrs.	
5(iv)	Mouje Undri, Tai.Haveli	S.No.1/38/1	1000.00	S.No.1/38/1	1000.00
		55/1	787.50	55/1	787.50
		58/2/1A	2150.00	58/2/1A	2150.00
		58/2/2A	1675.00	58/2/2A	1675.00
		58/28	5000.00	58/28	5000.00
		60/3	3944.25	--	--
		Total area	14556.75 Sq.mtrs.	Total Area	10612.50 Sq.mtrs.
5(v) b)	Open Space	1455.67 Sq.mtrs.		1061.25 Sq.mtrs.	
5(v) c)	Internal Road	2183.51 Sq.mtrs.		1591.87 Sq.mtrs.	
6 (i)	Plot upto 100 Sq.mtrs.	30		22	
6 (ii)	Plot upto 250 Sq.mtrs.	12		9	
6 (iii)	Plot upto 500 Sq.mtrs.	6		5	

E] Smt. Vandana Gopichand Mohite submitted application to the Additional Collector and Competent Authority Pune for cancellation of the Order u/s 20 under the Urban Land (Ceiling and Regulation) Act 1976 for the area admeasuring 4944.25 Sq.mtrs. out of S.No.60/3 and the said authority by his Order bearing No.ULC/KA-3/P-286/286/2010 dt.21.5.2010 cancelled the exemption order for and to the extent of the said area which covered following areas-

Sr.No.	Particulars	In place of		to be read	
5(iii)	Area to be given to the Govt.	2040.00 Sq.mtrs.		1417.31 Sq.mtrs.	
5(iv)	Mouje Undri, Tai.Haveli	S.No.1/38/1	1000.00	S.No.1/38/1	1000.00
		55/1	787.50	55/1	787.50
		58/2/1A	1150.00	58/2/1A	1150.00
		58/2/2A	1675.00	58/2/2A	1675.00
		58/28	5000.00	58/28	5000.00
		60/3	4944.25	--	--
		Total area	14556.75 Sq.mtrs.	Total Area	9612.50 Sq.mtrs.

5(v) b)	Open Space	1455.67 Sq.mtrs.	961.25 Sq.mtrs.
5(v) c)	Internal Road	2183.51 Sq.mtrs.	1441.87 Sq.mtrs.
6 (i)	Plot upto 100 Sq.mtrs.	30	20
6 (ii)	Plot upto 250 Sq.mtrs.	12	8
6 (iii)	Plot upto 500 Sq.mtrs.	6	4

F] Smt. Mangala Gopichand Mohite submitted application to the Additional Collector and Competent Authority Pune for cancellation of the Order u/s 20 under the Urban Land (Ceiling and Regulation) Act 1976 for the area admeasuring 4944.25 Sq.mtrs. out of S.No.60/3 and the said authority by his Order bearing No.ULC/KA-3/P-287/287/2010 dt.21.5.2010 cancelled the exemption order for and to the extent of the said area which covered following areas –

Sr.No.	Particulars	In place of		to be read	
5(iii)	Area to be given to the Govt.	2040.00 Sq.mtrs.		1417.31 Sq.mtrs.	
5(iv)	Mouje Undri, Tai.Haveli	S.No.1/38/1	1000.00	S.No.1/38/1	1000.00
		55/1	787.50	55/1	787.50
		58/2/1A	1150.00	58/2/1A	1150.00
		58/2/2A	1675.00	58/2/2A	1675.00
		58/28	5000.00	58/28	5000.00
		60/3	4944.25	--	--
		Total area	14556.75 Sq.mtrs.	Total Area	9612.50 Sq.mtrs.
5(v) b)	Open Space	1455.67 Sq.mtrs.		961.25 Sq.mtrs.	
5(v) c)	Internal Road	2183.51 Sq.mtrs.		1441.87 Sq.mtrs.	
6 (i)	Plot upto 100 Sq.mtrs.	30		20	
6 (ii)	Plot upto 250 Sq.mtrs.	12		8	
6 (iii)	Plot upto 500 Sq.mtrs.	6		4	



G] Shri Gopichand S. Mohite submitted application to the Additional Collector and Competent Authority Pune for cancellation of the Order u/s 20 under the Urban Land (Ceiling and Regulation) Act 1976 for the area admeasuring 3944.25 Sq.mtrs. out of S.No.60/3 and the said authority by his Order bearing No.ULC/KA-3/P-285/288/2010 dt.21.5.2010 cancelled the exemption order for and to the extent of the said area which covered following areas –

Sr.No.	Particulars	In place of		to be read	
5(iii)	Area to be given to the Govt.	2040.00 Sq.mtrs.		1417.31 Sq.mtrs.	
5(iv)	Mouje Undri, Tai.Haveli	S.No.1/38/1	1000.00	S.No.1/38/1	1000.00
		55/1	787.50	55/1	787.50
		58/2/1A	2150.00	58/2/1A	2150.00
		58/2/2A	1675.00	58/2/2A	1675.00
		58/28	5000.00	58/28	5000.00
		60/3	3944.25	--	--
		Total area	14556.75 Sq.mtrs.	Total Area	10612.50 Sq.mtrs.
5(v) b)	Open Space	1455.67 Sq.mtrs.		1061.25 Sq.mtrs.	
5(v) c)	Internal Road	2183.51 Sq.mtrs.		1591.87 Sq.mtrs.	
6 (i)	Plot upto 100 Sq.mtrs.	30		22	
6 (ii)	Plot upto 250 Sq.mtrs.	12		9	
6 (iii)	Plot upto 500 Sq.mtrs.	6		5	

It is seen from Mutation Entry No.10179 dated 24.01.2014 that a portion admeasuring 1837.33 out of S.No.60/2/2 and 60/3 was acquired for road widening of internal roads of 12 mts. and 24 mts. RP and a portion admeasuring 3576.58 Sq. mts. was acquired for 60 mts. RP and possession thereof was taken under a document registered at the Office of Sub-Registrar Haveli-1 at Serial No.464/2014 on 16.01.2014 and a mention thereof was made in respective 7/12 records.



9. The plans of the proposed layout buildings to be constructed on the captioned properties are sanctioned by Town Planning Department under No.NABP/Undri/Haveli/S.No.60/2 (part)/SSP/1041 dt.29.3.2007 and permission for non-agricultural use was given by Order of the Collector Pune bearing No.PM/NA/SR/549/2006 dt.30.3.2007 and No.PMH/NA/SR/437/10 dt.1.10.2010. It is seen from the copy of Order of Collector, Pune dated 22.09.2014 that by the said Order the Collector sanctioned a revised layout for residential use on a portion admeasuring 30536.09 Sq.mts. from and out of land admeasuring 35950 Sq.mts. comprising S.Nos.60/2/2(part) and 60/3, after deducting a portion admeasuring 5413.91 Sq.mts. reserved for proposal roads, subject to the terms and conditions mentioned therein. It is seen from the copy of the said order that earlier permissions were granted by orders dated 30.03.2007, 05.10.2010 and 27.03.2012.

10. I had issued Public Notices in respect of the captioned properties bearing S.No.60/2/2 and 60/3 in Daily Sakal on 18.4.2006 and 27.3.2006. To the said Public Notices no objection WE)re received by me.

11. The constitution of the partnership firm - M/s Amit Enterprises has been changed into that of a company named 'Amit Enterprises Housing Ltd.' by registering it under Part IX of the Companies Act, 1956, as per Section 575 of the said Act, and hence there has occurred statutory vesting of title of all properties, movable and immovable (including actionable claims) and all estate and interest of the firm - M/s Amit Enterprises in the newly incorporated company - Amit Enterprises Housing Ltd., without any need for separate conveyance or deed of transfer.

12. a] It is seen from the copy of Deed of Extension of Mortgage (first extension) dated 30.09.2014 that Sudhakar Laxman Phulaware, Shri. Dattatray Laxman Phulaware and Shri. Uttam Laxman Phulaware through their Power of Attorney holder M/s Amit



Enterprises Housing Limited, as mortgagor no.1, Shri. Gopichand Sakharam Mohite (for himself and as Karta and Manager of his HUF), Shri. Dhruvakant Gopichand Mohite (for himself and as Karta and Manager of his HUF), Mrs. Vandana Anil Mohite and Mrs. Mangal Anand Borade, through their Power of Attorney holder M/s Amit Enterprises Housing Limited, as mortgagor no.2 and M/s Amit Enterprises Housing Limited as mortgagor no.3 executed the said Deed in favour of Abhyudaya Co-operative Bank Ltd. as a mortgagee for a total sum of Rs.57,00,00,000/- against northern portions admeasuring 7980 Sq.mts. and southern portion admeasuring 2070 Sq.mts. from and out of the entire land bearing S.No.60, Hissa No.2/2, entire land bearing S.No.60/3 admeasuring 25900 Sq.mts., 13 flats having total sellable area of 19139 Sq.ft., and FSI of 18647.39 Sq.mts. and the saleable area of 286439 Sq.ft together with the construction of residential project under Phase II consisting of buildings bearing wings no. G, H, I, J along with the area amenity space admeasuring 4580.41 Sq.mtrs. and any other construction made on the said lands. The said Deed of Extension of Mortgage is registered at the Office of Sub Registrar Haveli 4 at Serial No. 8809/2014. It is seen from the copy of the said deed that earlier the mortgage money secured was Rs.40,00,00,000/- which was extended to Rs.57,00,00,000/-. Name of the mortgagee does not appear in the 7/12 record of the said lands.

b) It is seen from the Reconveyance Deed dated 31.10.2015 and from the Certificate of the Abhyudaya Co-operative Bank Ltd. dated 30.10.2015 that all the dues has been fully liquidated on 30.10.2015 and as on date no dues are outstanding and accordingly reconveyance executed between the parties by Reconveyance Deed dated 31.10.2015 registered at the Office of the Sub Registrar Haveli No.IV at Serial No.13041/2015.

13. It is seen from the copy of letter bearing No.808 dated 20.07.2015 of Pune Metropolitan Regional Development Authority Pune that Amit Enterprises Housing Ltd. had applied for revision of the earlier permission and vide the said letter the said Authority granted



the permission subject to the terms attached to the said letter. Accordingly the plan of the layout for group housing scheme has been sanctioned by Chief Executive Officer vide No.PHA/C.R.No.808/Mouza Undri/S.No.60/2/2 (pt) and other dated 20.07.2015.

14. It is seen from the copy of Deed of Simple Mortgage dated 02.11.2015 that (1) residential project land of "Colori" (Phase II) consisting of Building G, H, I and J (4 Nos.) constructed on land bearing S.No.60/2/2 (part), S.No.60/3 admeasuring 12,270 Sq.mtrs. out of 35,950 Sq.mtrs. alongwith additional FSI of 18652 Sq.mtrs. situated at village Undri, Taluka Haveli, District Pune together with construction thereon present and future together with all present and future FSI/TDR and any accruals/income/claim that may arise from sale of any unit constructed on the abovementioned project land, (2) charge/assignment of receivables from sale of unit/s both sold and unsold, constructed on the above residential project land and all insurance proceeds, both present and future, was mortgaged by Amit Enterprises Housing Ltd. to Housing Development Finance Corporation Limited for a sum of Rs.35,00,00,000/- (Rs. Thirty Five Crores only) and Deed of Simple Mortgage thereof is executed on 02.11.2015 registered at the Office of the Sub-Registrar Haveli-4 at Serial No.13097/2015. Name of the mortgagee does not appear in the 7/12 record of the said lands.

15. By Sale Deed dated 05.02.2016 which is registered at the office of the Sub-Registrar Haveli No.20 at Serial No.930/2016, the land owners namely – (1) (a) Shri Sudhakar Laxman Phulaware, (b) Shri Dattatray Laxman Phulaware, (c) Shri Uttam Laxman Phulaware, (2) Shri Gopichand Sakharam Mohite (for self and as a karta and manager of his family) sold and conveyed to SKP Corp Pvt. Ltd. the Amenity Space admeasuring 4580.41 Sq.mtrs. out of the said layout. The said Amenity Space is not the subject of this title opinion.



16. It is seen from copy of Deed of Declaration dated 20.10.2016 that the land owners and MIs Amit Enterprises Housing Ltd. submitted the said property to the provisions of the Maharashtra Apartment Ownership Act, 1970 by the said Deed of Declaration and the same is registered at the Office of the Sub-Registrar Haveli No.13 at Serial No.779312016. Copy thereof was filed with the Registrar of Societies. Inspite of the same some of the flat purchasers filed application for registration of society and the Dept. Registrar of Societies by his order dated 24.03.2017 granted registration of the society. Amit Enterprises Housing Ltd. has filed appeal against the said order before Divisional Joint Registrar and the same is pending.

17. a] It is seen from the letter dated 23.11.2016 and dated 01.07.2017 of Amit Enterprises Housing Ltd. that it has availed loan from Housing Development Finance Corporation Limited (HDFC Ltd.) and has executed a Deed of Simple Mortgage on 02.11.2015 which is registered at the Office of the Sub Registrar Haveli No.13 at Serial No.1309712015 and this opinion is given subject to the said charge of the said HDFC Ltd..

b] It is further seen from the said letters that except the said charge it has not created any encumbrance on the captioned property. It has further stated that there is no dispute or litigation pending in any court / tribunal / authority regarding the captioned property.

c] It is further seen from the aforesaid letter dated 23.11.2016 that various units in respective buildings have been agreed to be sold to various purchasers and remaining units are unsold. Details of sold and unsold units are as under –

<u>Building No.</u>	<u>Total Flats</u>	<u>Sold</u>	<u>Unsold</u>
A	48	48	0
B	48	48	0
C	48	47	
D	48	45	3



P. M. KHIRE
Advocate

E	48	48	0
F	48	48	0
G	48	1	47
H	144	144	0
	139	135	4
J	24	0	24
Shops	14	13	
Total	657	577	80

18. I caused the search of Index No.II registers at the office of the Sub-Registries for the last 30 years in respect of the captioned property and no document evidencing any subsisting mortgage, charge or encumbrance was found recorded from the available registers. On the basis of the same and on the basis of the documents given for my perusal and subject to the charge of Housing Development Finance Corporation Limited (HDFC Ltd.) and subject to whatever stated hereinabove, I am of the opinion that the title of (1) Shri Sudhakar Lakshman Phulaware, Shri Dattatray Lakshman Phulaware, Shri Uttam Lakshman Phulaware in respect of S.No.60/2/2 and (2) Shri Gopichand Sakharam Mohite (Beldare) in respect of S.No.60/3 and rights of Amit Enterprises Housing Ltd. to the captioned property is clean, clear and marketable without any encumbrance whatever.

All the documents are returned herewith.

Yours faithfully,


[P.M.KHIRE]
ADVOCATE