

भारतीय गैर न्यायिक

रुपये

Rs. 100

100



सत्यमेव जयते

ONE

HUNDRED RUPEES

भारत INDIA
INDIA NON JUDICIAL

महाराष्ट्र MAHARASHTRA

2017

RY 547742



प्रधान मुद्रांक कार्यालय, मुंबई
प.मु.वि.क्र. ८०००००९

- 7 JUL 2017

सक्षम अधिकारी

श्री. हेमंत सावंत

FORM 'B'

[See rule 3 (4)]

DECLARATION, SUPPORTED BY AFFIDAVIT WHICH SHALL BE SIGNED BY
THE PROMOTER OF ANY AUTHORIZED PERSON BY THE PROMOTER

Affidavit cum Declaration

Affidavit cum Declaration of MR. RAJESH HIMATLAL, Managing Director of
NAHALCHAND LALOOCHAND PVT. LTD. (Promoter) vide its authorization
dated 24th May 2017.

I, MR. RAJESH HIMATLAL, duly authorized by the Promoter of the on-going
project NL ARYAVARTA do hereby solemnly declare, undertake and state, as
under:

For Nahalchand Laloochand Pvt. Ltd.

Rajesh Himatlal

Managing Director

RAJESH HIMATLAL
DIN NO.:00066334





That the Promoter has a legal title Report to the land on which the development of the on-going project **NL ĀRYĀVARTA** is carried out and enclosed herewith is an authenticated copy of the Title Certificate issued by Advocate Vijaya Tamhane dated **30th October 2010**.

2. That an encumbrance has been created by the Promoter for Rs. 50,00,00,000/- (Rupees Fifty Crores Only) in favour of TATA Capital Housing Finance towards construction finance against security of
 - i) unsold flats of NL Aryavarta as on 18.07.2016 and undivided share in land forming part of residential project titled "NL Aryavarta" constructed on land bearing CTS No. 1454A and 1453 situated at Dahisar Taluka Borivali, Mumbai.
 - ii) All the monies accruing or arising out of or accrued or arisen but not collected or received out of the residential project titled "NL Aryavarta" as on 18.07.2016
3. That the time period within which the on-going project **NL ĀRYĀVARTA** shall be completed by the Promoter is **31st March 2019**.
4. That seventy percentage (70%) of the amounts to be realized hereinafter by the Promoter for the on-going project **NL ĀRYĀVARTA** received from the Allottee/s, from time to time shall be deposited in a separate Account to be maintained in a Scheduled Bank to cover the cost of construction and the land cost and shall be used only for that purpose.
5. That the amounts from the separate Account shall be withdrawn in accordance with the Rules.
6. That the Promoter shall get the accounts audited within six (06) months after the end of every financial year by a practising Chartered Accountant and shall produce a statement of accounts duly certified and signed by such practising Chartered Accountant, and it shall be verified during the audit that the amounts collected for the on-going project **NL ĀRYĀVARTA** have been utilized for the on-going project **NL ĀRYĀVARTA** and the withdrawal has been in compliance with the proportion to the percentage of completion of the on-going project **NL ĀRYĀVARTA**.
7. That the Promoter shall take all the pending approvals on time from the Competent Authority.
8. That the Promoter shall inform the Authority regarding all the changes that have occurred in the information furnished under sub section (2) of section 4 of the Act and Rule 3 of these rules, within seven days of the changes occurring.
9. That the Promoter has furnished such documents as have been prescribed by the rules and regulations made under the Act.
10. That the Promoter shall not discriminate against any Allottee /s at the time of allotment of any apartment, plot or building, as the case may be.

For Nahalchand Laloochand Pvt. Ltd.

Rajesh Himatlal

Managing Director

DEPONENT **RAJESH HIMATLAL**

DIN NO.:00066334

VERIFICATION

The contents of my above Affidavit cum Declaration are true and correct and nothing material has been concealed by me there from.

BEFORE ME

Subscribed and affirmed at Mumbai on this 24th day of July 2017.

S. M. N. Naqvi
S. M. N. Naqvi
NOTARY
Government of India,
Mumbai & Thane Dist.

For Nahalchand Laloochand Pvt. Ltd.

Rajesh Himatlal

Managing Director

RAJESH HIMATLAL
DIN NO.:00066334

DEPONENT

SR. No. 893 P. No. 87
NOTARY Register 235 Date 24/07/17

Ms. Vijaya Tamhane

B.A.L.L.B.

Advocate High Court

60/1469, Adarsh Nagar,
Worli, Mumbai - 400 025.

☎ : 437 46 41

Date :

Ex. B (Colly) CERTIFICATE OF TITLE

In the matter of all that piece or parcel of land or ground bearing Revenue Survey No. 327 Hissa No. 4(Part) C.T.S. No. 1454/A admeasuring 7752.20 sq. meters all of Village Dahisar, Taluka Borivli, Mumbai Suburban District and falling wherein the Registration District and Sub-District of Bombay City and Bombay Suburban.

- 1] WHEREAS one Haji AliMohamed Haji Kasam (Hereinafter referred to as 'the said deceased') was during his lifetime absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece or parcel of Agricultural land or ground bearing Revenue Survey No. 327 Hissa No. 4 (Part) C.T.S. No. 1454/A admeasuring 7752.20 sq. meters all of Village Dahisar, Taluka Borivli, Mumbai Suburban District and falling within the Registration District and Sub-District of Mumbai City and Mumbai Suburban (hereinafter for brevity's sake to as 'the said lands').
- 2] AND WHEREAS the said Haji AliMohammed Haji Kasam died at Mumbai on or about the 7th day of November 1946, leaving behind him surviving his widow, Fatimabai and four sons and four daughters according to Sunni Muslim Law by which he was governed on the date of his death and also leaving inter alia lands at Dahisar including 'the said lands'.
- 3] AND WHEREAS the said Fatimabai widow of the said deceased and three others filed a suit in the High Court of Judicature at Mumbai being Suit No. 3415 of 1947 against one Dawood Haji Ali Mohammed Haji Kasam and others, inter alia, for the administration of an estate of the said deceased and for other reliefs as more particularly mentioned in the Plaint therein.
- 4] AND WHEREAS the Hon'ble High Court by its Order dated 30th day of June 1950 passed in the said High Court Suit No. 3415 of 1947, appointed, the then Court Receiver, High Court, Bombay (without Security) of all the estate of the said deceased Haji Mohammed Haji Kasam including the said lands with all powers under Order 40 Rule 1 of the Code of Civil Procedure, 1908.
- 5] AND WHEREAS pursuant to the said Order dated 30th day of June 1950, the then Court Receiver, High Court, Bombay, took charge and possession of the estate of the said deceased Haji AliMohammed Haji Kasam including the said lands.
- 6] AND WHEREAS the Hon'ble High Court by its preliminary Decree passed on 25th day of November 1952, in the said Suit No. 3415 of 1947, the then Court Receiver was directed / authorized to sell by Public Auction all the properties comprised in the estate of the said deceased Haji Ali Mohammed Haji Kasam including 'the said lands'.
- 7] AND WHEREAS in pursuance of the said preliminary decree dated 25th day of November 1952, a meeting of the parties to the said Suit No. 3415 of 1947 was called before the then Court Receiver

Vijaya Tamhane

Ms. Vijaya Tamhane

B.A.L.L.B.

Advocate High Court

60/1469, Adarsh Nagar,
Worli, Mumbai - 400 025.

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Date :

on the 28th day of February 1982 and the parties in the said meeting agreed that the Court Receiver should invite private offer for sale of the said lands at Dahisar including "the said lands".

AND WHEREAS in pursuance of the unanimous decision taken by the parties in the meeting held before the then Court Receiver, High Court, Bombay on 28th day of February 1982, the then Court Receiver, High Court, Bombay, invited offer for sale of the lands at Dahisar including "the said lands" and in response whereof one Khiamal Lalchand (since deceased) made an offer, on or about the 10th day of March 1982, to purchase the lands at Dahisar including the said lands at and for the lump sum and total price and consideration of Rs. 13,50,000/- [Rupees Thirteen Lakhs Fifty Thousand Only].

9] AND WHEREAS in view of the said offer of the said late Mr. Khiamal Lalchand a meeting was called on 27th day of March 1982, and the same being the highest, the then Court Receiver, High Court, Bombay accepted the said offer made by the said deceased Khiamal Lalchand in the said meeting for sale of the lands at Dahisar, including the said lands at and for the total lumpsum price and consideration of Rs. 13,50,000/- subject to the said offer being sanctioned by the High Court, Bombay, and the said deceased Khiamal Lalchand paid to the then Court Receiver, a sum of Rs. 25,000/- as and by way of earnest money deposit and towards part payment against his aforesaid offer.

10] AND WHEREAS the then Court Receiver High Court, Bombay therefore submitted his report dated 29th day of March 1982, to the Hon'ble Chamber Judge and the Hon'ble Judge sitting in Chamber was pleased to pass an Order on 30th day of March 1982, on the said report and directed / authorized the then Court Receiver to accept the said offer of Rs. 13,50,000/- and was further directed to complete the sale of the lands at Dahisar including the said lands in favor of the said deceased Khiamal Lalchand or his nominee or nominees and further directed to sign and execute the Conveyance and assurance thereof in favor of the said deceased Khiamal Lalchand or his nominee or nominees.

11] AND WHEREAS the said deceased Khiamal Lalchand promoted a company called M/s Veekaylal Investments Company Private Limited, to take over the lands at Dahisar including the said lands: M/s Veekaylal Investment Co. Pvt. Ltd. on its formation and incorporation reimbursed to the said deceased Khiamal Lalchand the amounts paid by him to the Court Receiver being the part payment for the lands at Dahisar including the said lands and also paid to the then Court Receiver the balance of the said purchase price in respect of the lands at Dahisar including the said lands and, further that there is nothing due or payable to the Court Receiver for the same.

12] AND WHEREAS the then Court Receiver, High Court, Bombay handed over possession of lands at Dahisar, including the said lands to M/s Veekaylal Investment Co. Pvt. Ltd. on or about November 1982, at the request and pursuant to the directions of the said deceased Khiamal Lalchand.

Vijaya Tamhane

Ms. Vijaya Tamhane

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Advocate High Court



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AND WHEREAS the said deceased Khiamal Lalchand died at Hongkong on 18th day of December 1966, leaving behind him surviving (1) Mrs. Veena Khiamal (2) Sunita Khiamal (3) Hareesh Khiamal and (4) Anita Khiamal as his only heirs and legal representatives according to the Hindu law of succession by which he is governed on the date of his death.

- 14] AND WHEREAS the then Court Receiver submitted to the Hon'ble Judge sitting in Chamber another Report dated 11th day of May 1970, and the Hon'ble Judge sitting in Chamber by his Order on the said report dated 29th day of July 1970, the then Court Receiver was directed / authorized to execute one or more conveyance or conveyances respect of the lands at Dahisar including the said lands either in favor of M/s Veekayal Investments Company Pvt. Ltd. or its nominee or nominees however subject to the conditions that the heirs of the said Khiamal Lalchand joined in the conveyance and subject to the further condition that a proper order was obtained by the said Mrs. Veena Khiamal widow of the said deceased Khiamal Lalchand for being appointed as guardian to execute the deed or deeds of conveyance on behalf of then said minors as confirming party.
- 15] AND WHEREAS in view of the said Order dated 29th day of July 1970, the said Mrs. Veena Khiamal Lalchand filed Misc. Petition bearing No. 10 of 1970 in the Hon'ble Bombay City Civil Court under Hindu Minority and Guardianship Act of 1955 for being appointed as Guardian of the then said minors (1) Sunita (ii) Hareesh and (iv) Anita (all of them have since then attained majority).
- 16] AND WHEREAS by an Order made by the Hon'ble Bombay City Civil Court at Bombay on the 3rd day of June 1970, in the said Misc. Petition No. 10 of 1970 the said Veena Khiamal, was appointed guardian of the then said minors (1) Sunita (2) Hareesh and (3) Anita for the purposes of executing the conveyance of the lands at Dahisar, including the said lands for and on behalf of the said minors as confirming parties.
- 17] AND WHEREAS (1)SHRI JEEVAN DAMU MHASE (2) SHRI. MORYA BABU MHASE (3) SMT. JANKU DNYANU SURNAR (4) SMT. YAMU RATNA LAKHAR AND (5) SHRI. LADKU VITHAL SARAK (hereinafter referred to as "the Vendors") were since forefathers the agricultural tenants of the said deceased in respect of the said lands and were entitled to be declared as the "the deemed tenant purchasers of the said lands as on 1st April 1957 and to purchase the land under the provisions of the Bombay Tenancy and Agricultural Lands Act 1948, (hereinafter referred to as "the said Act").
- 18] AND WHEREAS the name of the vendors had been recorded and entered in the "Other Right Column" of the Record of Rights as tenant cultivators of the said land.
- 19] AND WHEREAS the said lands being under the management of the Court Receiver, High Court, Mumbai in Suit No. 3415 of 1947 it was necessary to obtain permission of the Hon'ble High Court to file Tenancy Application under Section 70(b) and Section 32G of "the said Act". AND WHEREAS

[Signature]

Ms. Vijaya Tamhane

B.A.L.L.B.

Advocate High Court

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Worli, Mumbai - 400 025.

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the vendors through their Advocate FT. D'Mello applied for the above said permission which came to be granted by the High Court.

- 20] AND WHEREAS tenancy proceedings were initiated by Tahsildar and Agricultural Lands Tribunal, Borivli bearing Tenancy Case No. TNC/70(b)/86/89 to declare the owners herein as the Deemed tenants Purchasers of the said land and for fixing the purchase price under Section 32-G of the said Act in respect of the said land.
- 21] AND WHEREAS by the Order of the Tahsildar and Agricultural Lands Tribunal, Borivli bearing no. TNC/70(b)/86/89 the vendors had been declared as the deemed Tenant Purchasers of the said land.
- 22] AND WHEREAS the vendors are the owners of the said land by virtue of 32-M Certificate bearing No. TNC/70(b)/83/89 registered with the Sub-Registrar of Assurances at Bandra, Mumbai at Serial No. p-7371/89 and are therefore entitled to deal with and/or dispose off the said land subject to the provisions of the said Act.
- 23] AND WHEREAS by an Agreement dated 14th July 1987 made between the Vendors of the One Part and Messrs Nahalchand Laloochand Pvt. Ltd. (herein and hereafter referred to as the Purchasers) of the Other Part (hereinafter for brevity's sake referred to as "the said Agreement"), the Vendors have agreed to sell to the purchasers and the purchasers have agreed to purchase and acquire the said lands at for the consideration and upon the terms and conditions recorded therein.
- 24] AND WHEREAS by a further Supplementary Agreement dated 31st December 1989 between the Vendors and the Purchasers the parties thereto confirmed the Original Agreement dated the 14th July 1987 and the vendors declared that they are the absolute owners of the said land, and are entitled to deal with the said land in any manner whatsoever, subject to the provisions of the said Act.
- 25] AND WHEREAS by an Irrevocable Power of Attorney dated 31st December 1989 the Vendors appointed (I) Mr. Rajesh Himatlal and (II) Mr. Mukesh Himatlal, the Managing Director and the Joint Managing Director respectively of the Purchasers to implement the terms and conditions of the said Agreement.
- 26] AND WHEREAS by application dated 5/7/1990, the Vendors applied to the Sub-Divisional Officer Mumbai Suburban District to grant them permission to sell the said land to the said Purchasers as contemplated by Section 43 of the said Act. And Whereas by Order bearing No. DLN/TNL/SR-35/90 dated 22/8/90 the Sub-Divisional Officer was pleased to grant the permission, on the conditions mentioned in the above mentioned Order.

Vijaya Tamhane

Ms. Vijaya Tamhane

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Advocate High Court

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Worli, Mumbai - 400 025.

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Date :

AND WHEREAS by Indenture of Conveyance dated 19/11/1994 executed by the Court Receiver and registered with the Sub-Registrar of Assurances of Mumbai under No. BBJ-1796/94 M/s Nahachand Laloochand Pvt. Ltd. acquired all the right, title and interest of M/s Veekaylai Investment Co. Pvt. Ltd. in the said land.

28] AND WHEREAS by a Deed of Release and Transfer dated the 6th day of September 2002, the said vendors released all their rights, title and interests in the said lands in favor of the said purchasers Messrs Nahachand Laloochand Pvt. Ltd. which Deed of Release and Transfer has been duly registered with the Sub-Registrar of Assurances, Borivli No. 3, Mumbai Suburban Division (Bandra) under no. BDR- 6/7590/2002.

29] In the premises aforesaid the said Purchasers, Messrs Nahachand Laloochand Pvt. Ltd. are well and sufficiently entitled to develop and/or deal with the said land and to construct thereon buildings and structures and to sell flats and premises constructed by them on the said land.

I on behalf of my clients the said purchasers M/s Nahachand Laloochand Pvt. Ltd. have examined the title of the said purchasers to the said land and as a result of which I am of the opinion that the title of the said purchasers to the said lands is marketable and free from all encumbrances.

Dated this 30th day of October 2010.

MS. VIJAYA TAMHANE
ADVOCATE - HIGH COURT

Ms. Vijaya Tamhane
B.A.L.L.B.
Advocate High Court

60/1469, Adarsh Nagar,
Worli, Mumbai - 400 025.
☎ : 437 46 41

Date :

Ex. B (Collv) CERTIFICATE OF TITLE

In the matter of all that piece or parcel of land or ground bearing Revenue Survey No. 327 Hissa No. 8 (Part) C.T.S. No. 1453 admeasuring 839.20 sq. meters all of Village Dahisar, Taluka Borivli, Mumbai Suburban District and falling wherein the Registration District and Sub-District of Bombay City and Bombay Suburban.

- 1) WHEREAS one Haji AllMohamed Haji Kasam (Hereinafter referred to as 'the said deceased') was during his lifetime absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece or parcel of Agricultural land or ground bearing Revenue Survey No. 327 Hissa No. 8 (Part) C.T.S. No. 1453 admeasuring 839.20 sq. meters all of Village Dahisar, Taluka Borivli, Mumbai Suburban District and falling within the Registration District and Sub-District of Mumbai City and Mumbai Suburban (hereinafter for brevity's sake to as 'the said lands').
- 2) AND WHEREAS the said Haji AllMohammed Haji Kasam died at Mumbai on or about the 7th day of November 1946, leaving behind him surviving his widow, Fatimabai and four sons and four daughters according to Sunni Muslim Law by which he was governed on the date of his death and also leaving inter alia lands at Dahisar including 'the said lands'.
- 3) AND WHEREAS the said Fatimabai widow of the said deceased and three others filed a suit in the High Court of Judicature at Mumbai being Suit No. 3415 of 1947 against one Dawood Haji All Mohammed Haji Kasam and others, inter alia, for the administration of an estate of the said deceased and for other reliefs as more particularly mentioned in the Plaint therein.
- 4) AND WHEREAS the Hon'ble High Court by its Order dated 30th day of June 1950 passed in the said High Court Suit No. 3415 of 1947, appointed the then Court Receiver, High Court, Bombay (without Security) of all the estate of the said deceased Haji Mohammed Haji Kasam including the said lands with all powers under Order 40 Rule 1 of the Code of Civil Procedure, 1908.
- 5) AND WHEREAS pursuant to the said Order dated 30th day of June 1950, the then Court Receiver, High Court, Bombay, took charge and possession of the estate of the said deceased Haji AllMohammed Haji Kasam including the said lands.
- 6) AND WHEREAS the Hon'ble High Court by its preliminary Decree passed on 25th day of November 1952, in the said Suit No. 3415 of 1947, the then Court Receiver was directed / authorized to sell by Public Auction all the properties comprised in the estate of the said deceased Haji AH Mohammed Haji Kasam including 'the said lands'.
- 7) AND WHEREAS in pursuance of the said preliminary decree dated 25th day of November 1952, a meeting of the parties to the said Suit No. 3415 of 1947 was called before the then Court Receiver

Vijaya Tamhane

Ms. Vijaya Tamhane

B.A.L.L.B.

Advocate High Court

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on the 28th day of February 1982 and the parties in the said meeting agreed that the Court Receiver should invite private offer for sale of the said lands at Dahisar including 'the said lands'.

AND WHEREAS in pursuance of the unanimous decision taken by the parties in the meeting held before the then Court Receiver, High Court, Bombay on 28th day of February 1982, the then Court Receiver, High Court, Bombay, invited offer for sale of the lands at Dahisar including 'the said lands' and in response whereof one Khiamal Lalchand (since deceased) made an offer, on or about the 10th day of March 1982, to purchase the lands at Dahisar including the said lands at and for the lump sum and total price and consideration of Rs. 13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand Only).

- 9] AND WHEREAS in view of the said offer of the said late Mr. Khiamal Lalchand a meeting was called on 27th day of March 1982, and the same being the highest, the then Court Receiver, High Court, Bombay accepted the said offer made by the said deceased Khiamal Lalchand in the said meeting for sale of the lands at Dahisar, including the said lands at and for the total lumpsum price and consideration of Rs. 13,50,000/- subject to the said offer being sanctioned by the High Court, Bombay, and the said deceased Khiamal Lalchand paid to the then Court Receiver, a sum of Rs. 25,000/- as and by way of earnest money deposit and towards part payment against his aforesaid offer.
- 10] AND WHEREAS the then Court Receiver High Court, Bombay therefore submitted his report dated 29th day of March 1982, to the Hon'ble Chamber Judge and the Hon'ble Judge sitting in Chamber was pleased to pass an Order on 30th day of March 1982, on the said report and directed / authorized the then Court Receiver to accept the said offer of Rs. 13,50,000/- and was further directed to complete the sale of the lands at Dahisar including the said lands in favor of the said deceased Khiamal Lalchand or his nominee or nominees and further directed to sign and execute the Conveyance and assurance thereof in favor of the said deceased Khiamal Lalchand or his nominee or nominees.
- 11] AND WHEREAS the said deceased Khiamal Lalchand promoted a company called M/s Veekayal Investments Company Private Limited, to take over the lands at Dahisar including the said lands. M/s Veekayal Investment Co. Pvt. Ltd. on its formation and incorporation reimbursed to the said deceased Khiamal Lalchand the amounts paid by him to the Court Receiver being the part payment for the lands at Dahisar including the said lands and also paid to the then Court Receiver the balance of the said purchase price in respect of the lands at Dahisar including the said lands and further that there is nothing due or payable to the Court Receiver for the same.
- 12] AND WHEREAS the then Court Receiver, High Court, Bombay handed over possession of lands at Dahisar, including the said lands to M/s Veekayal Investment Co. Pvt. Ltd. on or about November 1982, at the request and pursuant to the directions of the said deceased Khiamal Lalchand.

Vijaya Tamhane

Ms. Vijaya Tamhane

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- 13] AND WHEREAS the said deceased Khlamal Lalchand died at Hongkong on 18th day of December 1966, leaving behind him surviving (1) Mrs. Veena Khlamal (2) Sunita Khlamal (3) Hareesh Khlamal and (4) Anita Khlamal as his only heirs and legal representatives according to the Hindu law of succession by which he is governed on the date of his death.
- 14] AND WHEREAS the then Court Receiver submitted to the Hon'ble Judge sitting in Chamber another Report dated 11th day of May 1970, and the Hon'ble Judge sitting in Chamber by his Order on the said report dated 29th day of July 1970, the then Court Receiver was directed / authorized to execute one or more conveyance or conveyances respect of the lands at Dahisar including the said lands either in favor of M/s Veekaylal Investments Company Pvt. Ltd. or its nominee or nominees however subject to the conditions that the heirs of the said Khlamal Lalchand joined in the conveyance and subject to the further condition that a proper order was obtained by the said Mrs. Veena Khlamal widow of the said deceased Khlamal Lalchand for being appointed as guardian to execute the deed or deeds of conveyance on behalf of then said minors as confirming party.
- 15] AND WHEREAS in view of the said Order dated 29th day of July 1970, the said Mrs. Veena Khlamal Lalchand filed Misc. Petition bearing No. 10 of 1970 in the Hon'ble Bombay City Civil Court under Hindu Minority and Guardianship Act of 1955 for being appointed as Guardian of the then said minors (1) Sunita (ii) Hareesh and (iv) Anita (all of them have since then attained majority).
- 16] AND WHEREAS by an Order made by the Hon'ble Bombay City Civil Court at Bombay on the 3rd day of June 1970, in the said Misc. Petition No. 10 of 1970 the said Veena Khlamal, was appointed guardian of the then said minors (1) Sunita (2) Hareesh and (3) Anita for the purposes of executing the conveyance of the lands at Dahisar, including the said lands for and on behalf of the said minors as confirming parties.
- 17] AND WHEREAS (1) SMT. SHAKUNTALA PARSHURAM PATIL (2) SHRI. BHALCHANDRA VITHAL PATIL (3) SHRI. KAMLAKAR VITHAL PATIL (4) SHRI. PADMAKAR VITHAL PATIL (5) SMT. KRISHNABAI DAMODAR PATIL AND (6) SMT. ANUSUYA KUSHALSING (hereinafter referred to as "the Vendors") were since forefathers the agricultural tenants of the said deceased in respect of the said lands and were entitled to be declared as the "the deemed tenant purchasers of the said lands as on 1st April 1957 and to purchase the land under the provisions of the Bombay Tenancy and Agricultural Lands Act 1948, (hereinafter referred to as "the said Act").
- 18] AND WHEREAS the name of the vendors had been recorded and entered in the "Other Right Column" of the Record of Rights as tenant cultivators of the said land.
- 19] AND WHEREAS the said lands being under the management of the Court Receiver, High Court, Mumbai in Suit No. 3415 of 1947 it was necessary to obtain permission of the Hon'ble High Court to file Tenancy Application under Section 70(b) and Section 32G of "the said Act". AND WHEREAS

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the vendors through their Advocate FT. D'Mello applied for the above said permission which came to be granted by the High Court.

- 20] AND WHEREAS tenancy proceedings were initiated by Tahsildar and Agricultural Lands Tribunal, Borivali bearing Tenancy Case No. TNC/70(b)/76/89 to declare the owners herein as the Deemed tenants Purchasers of the said land and for fixing the purchase price under Section 32-G of the said Act in respect of the said land.
- 21] AND WHEREAS by the Order of the Tahsildar and Agricultural Lands Tribunal, Borivali bearing no. TNC/70(b)/76/89 the vendors had been declared as the deemed Tenant Purchasers of the said land.
- 22] AND WHEREAS the vendors are the owners of the said land by virtue of 32-M Certificate bearing No. TNC/70(b)/76/89 registered with the Sub-Registrar of Assurances at Bandra, Mumbai at Serial No. p-7369/89 and are therefore entitled to deal with and/or dispose off the said land subject to the provisions of the said Act.
- 23] AND WHEREAS by an Agreement dated 8th April 1988 made between the Vendors of the One Part and Messrs Nahalchand Laloochand Pvt. Ltd. (herein and hereafter referred to as the Purchasers) of the Other Part (hereinafter for brevity's sake referred to as "the said Agreement"), the Vendors have agreed to sell to the purchasers and the purchasers have agreed to purchase and acquire the said lands at for the consideration and upon the terms and conditions recorded therein.
- 24] AND WHEREAS by a further Supplementary Agreement dated 29th December 1989 between the Vendors and the Purchasers the parties thereto confirmed the Original Agreement dated the 8th April 1988 and the vendors declared that they are the absolute owners of the said land, and are entitled to deal with the said land in any manner whatsoever, subject to the provisions of the said Act
- 25] AND WHEREAS by an Irrevocable Power of Attorney dated 29th December 1989 the Vendors appointed (i) Mr. Rajesh Himatlal and (ii) Mr. Mukesh Himatlal, the Managing Director and the Joint Managing Director respectively of the Purchasers to implement the terms and conditions of the said Agreement.
- 26] AND WHEREAS by application dated 5/7/1990, the Vendors applied to the Sub-Divisional Officer Mumbai Suburban District to grant them permission to sell the said land to the said Purchasers as contemplated by Section 43 of the said Act. And Whereas by Order bearing No. DLN/TNL/SR-26/90 dated 21/8/90 the Sub-Divisional Officer was pleased to grant the permission, on the conditions mentioned in the above mentioned Order.

Vijaya Tamhane

Ms. Vijaya Tamhane

B.A.L.L.B.

Advocate High Court

60/1469, Adarsh Nagar,
Worli, Mumbai - 400 025.

☎ : 437 46 41

Ref. :

Date :



AND WHEREAS by Indenture of Conveyance dated 19/11/1994 executed by the Court Receiver and registered with the Sub-Registrar of Assurances of Mumbai under No. BBJ-1798/94 M/s Nahalchand Laloochand Pvt. Ltd. acquired all the right, title and interest of M/s Veekayal Investment Co. Pvt. Ltd. in the said land.

- 28] AND WHEREAS by a Deed of Release and Transfer dated the 6th day of September 2002, the said vendors released all their rights, title and interests in the said lands in favor of the said purchasers Messrs Nahalchand Laloochand Pvt. Ltd. which Deed of Release and Transfer has been duly registered with the Sub-Registrar of Assurances, Borivli No. 3, Mumbai Suburban Division (Bandra) under no. BDR-6/7591/2002.
- 29] In the premises aforesaid the said Purchasers, Messrs Nahalchand Laloochand Pvt. Ltd. are well and sufficiently entitled to develop and/or deal with the said land and to construct thereon buildings and structures and to sell flats and premises constructed by them on the said land.

I on behalf of my clients the said purchasers M/s Nahalchand Laloochand Pvt. Ltd. have examined the title of the said purchasers to the said land and as a result of which I am of the opinion that the title of the said purchasers to the said lands is marketable and free from all encumbrances.

Dated this 30th day of October 2010.



MS. VIJAYA TAMHANE

MS. VIJAYA TAMHANE
ADVOCATE - HIGH COURT