

# Himanshu Bheda & Co.

## Advocate High Court, Mumbai

B-607/608, 6TH FLOOR, GROMA HOUSE, PLOT No. 14-C, SECTOR - 19, VASHI, NAVI MUMBAI - 400 703.  
TEL. : 2766 6120 / 2055 0038 - MOBILE : 92207 27108  
Email : himanshu.bheda@rediffmail.com

### REPORT ON TITLE TO WHOMSOEVER IT MAY CONCERN

**Sub:** - Report on Title in respect of Plot No. 18 situated at Sector -10 in Village/ Site Kopra of 12.5% (Erstwhile Gaothan Expansion Scheme) admeasuring 1587.02 Square Meters or thereabouts.

THIS IS TO CERTIFY that we have perused the documents of NATHDWARA MERCHANTS (P) LTD., a Company incorporated under the Companies Act, 1956, having its office at 42, Arenja Corner, Sector 17, Vashi, Navi Mumbai in respect of Plot No. 18 situated at Sector -10, Kopra, of 12.5% (Erstwhile Gaothan Expansion Scheme) admeasuring 1587.02 Square Meters or thereabouts (hereinafter referred to as the said Plot).

We have inspected the Photocopies of the following Documents:-

1. Agreement to Lease dated 25<sup>th</sup> May, 2007.
2. Tripartite Agreement dated 7<sup>th</sup> February, 2008.
3. CIDCO Ltd's letter dated undated February, 2008.
4. Shuddhipatruk dated undated July, 2010.
5. Search Report dated 17<sup>th</sup> January, 2013.

The manner in which Nathdwara Merchants (P) Ltd. have acquired Leasehold Title in respect of the above plot is narrated as under:-

- 1) The City and Industrial Development Corporation of Maharashtra Ltd., is a Government Company within the meaning of the Companies Act, 1956, (hereinafter referred to as "The Corporation/CIDCO") having its registered office at "Nirmal", 2nd floor, Nariman Point, Mumbai - 400 021. The Corporation has been declared as a New Town Development Authority, under the provisions of sub sec. (3-A) of Section 113 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act



No. XXXVIII of 1966 hereinafter referred to as 'the said Act') for the New Town of Navi Mumbai by Government of Maharashtra in the exercise of its powers of the area designated as Site for New Town under sub-section (1) of Section 113 of the said Act.

2) The State Government has acquired lands within the designated area of Navi Mumbai and vested the same in the Corporation by an order duly made on that behalf as per the provisions of Sec.113 of the said Act.

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

4) By an Agreement to Lease dated 25<sup>th</sup> May, 2007 executed by and between the CIDCO Ltd. (therein referred to as "the Corporation") and Shri. Baban Kamlya Pawar & 23 Others, therein called as the "Licensees" (hereinafter referred to as "Original Licensees") and registered with the Office of Sub-Registrar of Assurances under Serial No. PAVAL 3 / 05683 - 2007 dated 28-05-2007, the CIDCO Ltd. agreed to grant to the said Original Licensees a lease in respect of all that piece or parcel of land bearing Plot No. 18 situated at Sector -10, Kopra, of 12.5% (Erstwhile Gaothan Expansion Scheme) containing by admeasurement 1587.02 Square Meters or thereabouts (hereinafter referred to as "the said Plot") and which is more particularly described in the Schedule hereunder written for residential and commercial purpose on 60 years Lease under 12.5% Scheme (GES) and on the terms and conditions and for the consideration as contained in the said Agreement to Lease.

5) By a Tripartite Agreement dated 7<sup>th</sup> February, 2008 executed by and between CIDCO Ltd., the said Original Licensees and the said Nathdwara Merchants (P) Ltd. (therein referred to as the New Licensees), the CIDCO Ltd. has granted to Nathdwara Merchants (P) Ltd. a license to enter the said Plot for a period



of 60 years with a right to develop the same as permissible under General Development Control Rules for New Bombay, 1975 and upon the terms and conditions as are mentioned therein. The said Tripartite Agreement is duly registered with the Sub-Registrar of Assurances under its Serial No. PAVAL 3 - 01701 - 2008 dated 07-02-2008.

6) It appears that one M/s Gurukrupa Enterprises has filed Regular Civil Suit No. 116 of 2005 against the said Original Licensees before Civil Judge Junior Division, Panvel for such reliefs as prayed in the above suit.

7) Pending the said Regular Civil Suit No. 116 of 2005 and subject to the Order passed therein, the CIDCO Ltd. vide its letter bearing reference no. CIDCO / VASAHAT / SATYO / KHARGHAR 464 / 2008 dated undated February, 2008, has substituted Nathdwara Merchants (P) Ltd., as the New Licensees instead and in place of the said Original Licensees and at the request of the said Original Licensees, the CIDCO Ltd. has transferred the said plot in favour of Nathdwara Merchants (P) Ltd., upon such terms & conditions as mentioned therein.

8) Thereafter, the Civil Judge Junior Division, Panvel by its Order dated 13<sup>th</sup> July, 2010, has rejected the Plaint filed in the said Regular Civil Suit No. 116 of 2005 and disposed of the said suit.

9) Accordingly, by Shuddhipatruk dated undated July, 2010, the CIDCO Ltd. has removed the reference of the said Regular Civil Suit No. 116 of 2005 mentioned in its letter dated undated February, 2008.

10) In the circumstances, the said Nathdwara Merchants (P) Ltd., became well and sufficiently entitled to the said plot.

11) At the request of Nathdwara Merchants (P) Ltd., we have taken search in respect of the said plot in the Sub Registrar Offices at Panvel I, II & III, through the

Search Clerk Mr. Vinay Mankame. The Search Clerk has submitted his Report vide his letter dated 17<sup>th</sup> January, 2013 wherein he has stated that the available Index from year 2007 to 2012 has been checked and the records for the year 2012 were not ready.

12) In the Circumstances, subject to the compliance of the terms & conditions of the said Agreement to Lease dated 25<sup>th</sup> May, 2007, Tripartite Agreement dated 7<sup>th</sup> February, 2008, CIDCO Ltd's letter undated February, 2008, Order dated 13<sup>th</sup> July, 2010 passed in the said Regular Civil Suit No. 116 of 2005, Shuddhipatruk dated undated July, 2010, Search Report dated 17<sup>th</sup> January, 2013, the title of NATHDWARA MERCHANTS (P) LTD., to the abovementioned plot is clear & marketable & free from all registered encumbrances.

**THE SCHEDULE ABOVE REFERRED TO:**

All that piece and parcel of land known as Plot No. 18 in Sector No. 10, in Village / Site Kopra of 12.5% (Erstwhile Gaothan Expansion Scheme) Scheme admeasuring 1587.02 Square Meters or thereabouts.

AND BOUNDED BY:

On or towards the North by :- 15 Meters Wide SGR Corridor  
On or towards the South by :- 11 Meters Wide Road  
On or towards the East by :- Plot No. 17  
On or towards the West by :- Plot No. 19

DATED THIS 04<sup>th</sup> DAY OF JULY, 2013.

FOR HIMANSHU BHEDA & CO.



Proprietor