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S.M. KARNIK

B. A. LL.B

ADVOCATE

(Enrollment No. MAH/1569/1985)

AJAY YADAV

B.Com. LL.B.

ADVOCATE

(Enrollment No. MAH/4008/2011)

TO WHOMSOEVER IT MAY CONCERN

Property/Land Ref.: That pieces and parcels of land or ground situate, lying and being at Revenue Village – Kavesar, Taluka and District Thane, within the limits of Thane Municipal Corporation, and in the Registration District and Sub-District of Thane and bearing Survey/Hissa No. **116/2** for ½ area admeasuring 5360 sq. mtrs. out of the total land admeasuring 10720 sq. mtrs. and Survey/Hissa No. **117/1**, area admeasuring 2960 sq.mtrs..

The search of the Index II of the above referred lands have been taken by us with help of Search Clerk Shri. Suresh S. Shewale in the office of Sub-Registrar of Assurances at Thane from 1981 to 29.05.2017. It is found in the said search that the transactions have taken place in respect of above mentioned lands together with other lands of the respective owners as mentioned in the respective Search Reports, found that interalia in respect of total area of land bearing Survey/Hissa No. 116/2 of Village: Kavesar one Smt. Yashwantabai Dwarkanath Gondhali and Arun Dwarkanath Gondhali have executed an Agreement For Sale dated 17.07.2014 in favour of one Shri. Hemchandra Bhaskar Vaidya of Thane.

That the piece and parcel of land bearing Survey/Hissa No. 116/2 owned by Shri. Dwarkanarh Vishnu Gondhali and others (hereinafter referred to as the said First Owners),



Survey/Hissa No. 117/1 owned by Dhanjisha R. Zaveri and Bai Hilla Barjorji Mehta, Power of Attorney holder Mangilal Jawarmal and others (hereinafter referred to as the said Second Owners).

1) a) Under an order passed by A.L.T. and Tahasildar, Thane vide Case No. 32G/Kavesar/108/2006 dated 03.05.2007 under the provisions of M.T.A.L. Act 1948, Shri. Dhanjishah R. Zaveri and others sold to kul/Purchaser Shri. Dwarkanath Vishnu Gondhali and others i.e. the said First Owners, the land bearing Survey/Hissa No. 116/2 out of the lands above referred to for the purchase price of Rs. 8372/- (M.E. No. 2268). The tenant Shri. Dwarkanath Vishnu Gondhali and others have paid the purchase price boja of Rs. 8372/-, the ALT and Tahasildar, Thane issued 32M Purchase Certificate No. 5/2007 dated 04.05.2007 vide order No. LSP-II-III- P-19 No. 5. Thus on 7/12 extract the names of Shri. Dwarkanath Vishnu Gondhali and others mutated in Kabjeddar column by deleting the boja from other right column (M.E. No. 2279).

b) By and under the Development Agreement dated 25.08.2006 registered in the office of the Sub-Registrar of Assurances, Thane – 2 under document Sr.No. 6486/2006 executed by the said First Owners and their close relatives in favour of M/s. Vijay Gruh Nirman Pvt. Ltd., granted the development rights in respect of the land bearing Survey/Hissa No. 116/2. In pursuance of the said Development Agreement dated 25.08.2006, the said Dwarkanath Vishnu Gondhali and others have executed in favor of 1) Shri. Mahendra Manilal Shah, 2) Shri. Vinod T. Gala and 3) Shri. Vrajlal T. Gala Directors of the said M/s. Vijay Gruh Nirman Pvt. Ltd., the registered Power of Attorney dated 25.08.2006 interalia allowing authorizing the Attorney to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.



c) Further, by and under the Confirmation Deed dated 13.10.2006, registered with the Sub-Registrar of Assurances, Thane -2, under Sr. No. 7556/2006 dated 13.10.2006 executed by Smt. Nirmala Eknath Patil i.e. one of the relative of the said owners in favour of the said M/s Vijay Grihanirman Pvt. Ltd. confirming execution of the Development Agreement dated 25.08.2006 by the said First Owners in favour of the said M/s Vijay Grihanirman Pvt. Ltd.

d) Further by and under Agreement For Sale dated 01.06.2011, registered in the office of the Sub-Registrar of Assurance, Thane-2, under document Sr. No. 6079/2011 executed by Shri. Chandrakant Kanha Manera and others i.e. close relatives and/or legal heirs of one of the late co-owner out of the said First Owners have transferred and assigned to Roma Builders Pvt. Ltd. a company incorporated under the provisions of the companies Act, 1956, having its office at – 514, Dalamal Towers, Nariman Point, Mumbai – 400021 (the Developers) their rights, title and interest in the land bearing Survey/Hissa No. 116/2 out of the lands referred above to. In pursuance of the said Agreement For Sale dated 01.06.2011 the said Chandrakant Kanha Manera and others executed Regd. Power of Attorney dated 01.06.2011 in favour of the Developers and its nominees interalia allowing authorizing the Attorney to do, perform and carry out various acts, deeds, matters, things, privileges, rights and authorities which are in details contained therein.

e) Further, by and under the Agreement for Sale dated 28.12.2012, registered with the Sub-Registrar of Assurances Thane – 5 under Sr. No. 2888/2013 on 02.04.2013 executed by the said First Owners through their attorneys M/s. Vijay Grihanirman Pvt. Ltd. and the same is confirmed by M/s. Vijay Grihanirman Pvt. Ltd. as the confirming Party therein in favor of the Developers, the said First Owners has/have assigned and otherwise agreed to sell, transfer, convey and alienate $\frac{1}{2}$ undivided share, right, title and interest in the land bearing



Survey/Hissa No. 116/2 i.e. for an area admeasuring 5360.00 sq.mtrs. out of the total land admeasuring 10720.00 sq.mtrs. to the **Developers**. In pursuance of the said Agreement For Sale dated 28.12.2012, the said **First Owners** through their attorney executed the registered Power of Attorney dated 18.03.2013 in favor of the **Developers** and its nominees interalia allowing, authorizing the Attorneys to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein..

2) a) That, Hilla Burjorji Mehta and Dhanjisha R. Zaveri had jointly purchased a lot of lands including the land bearing Survey/Hissa No. 117/1 of Village : Kavesar out of the lands above referred to situate at Taluka and District Thane by way of an Indenture of Conveyance dated 30th June 1950 from one Jayantilal Tribhovandas of Bombay at and for the consideration mentioned therein, and same was confirmed by one M.H. Mody. Thus the said Hilla Burjorji Mehta and Dhanjishah R. Zaveri had equal shares and were co-owner of the lands mentioned in the said Indenture of Conveyance dated 30th June 1950 (M.E. No. 389).

b) By and under Power of Attorney dated 14th November 1960, duly registered in the Office of Sub-Registrar of Assurances, Bombay below Sr. No. 9788 on 22.12.1960 and Power of Attorney dated 26th October 1960 duly registered in the Office of Sub - Registrar of Assurances, Bombay below Sr. no. 9787 on 22.12.1960 respectively (hereinafter referred to as the said Power of Attorneys) the said Hilla Burjorji Mehta and Dhanjishah R. Zaveri separately for the valuable consideration mentioned therein irrevocably jointly and severally appointed to 1) Rupchand Hajarimal, 2) Tarachand Krishnaji, 3) Kesarimal Krishnaji, 4) Bhikchand Okaji, 5) Vardhichand Udechand and 6) Umedmal Hazarimal as their constituted Attorneys (hereinafter collectively referred to as

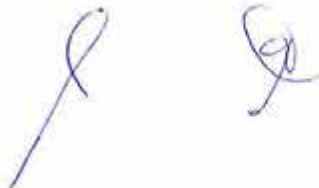
the said Attorneys) with giving them full powers and authority to deal with, to sell, partition and otherwise dispose off the lands or the shares of the said Hilla Burjorji Mehta and Dhanjishah R. Zaveri therein including the land bearing Survey/Hissa No. 117/1 out of the lands referred above (M.E.No.1314 and 1315).

c) Shri. Mangilal Jawarmal Parmar and Shri. Ramesh Bhurmal Parmar have/had inherited the share of Roopchand Hajarimal in the lands mentioned in the said Power of Attorneys, by registered Will left by Shri. Roopchand Hajarimal, (M. E .No. 1402).

d) Shah Thakarchand Bhikchand Punmiya has inherited the share of Bhikchand Okaji in the lands mentioned in the said Power of Attorneys, who expired on 06.09.1978 at Thane (M. E. No. 1401).

e) Shah Jugraj Kesarimal Rathod is/was the legal heir of late Shri. Keshrimal Krishnaji (M. E .No. 1400).

f) Shri. Tarachand Krishnaji, one of the Holders of the said Power of Attorneys, by a registered Deed of Partition executed on 07.03.1967, partitioned the share of his property which he was entitled under the said Power of Attorneys and according to the said partition, said Shah Tarachand Krishnaji got 6.66 share, Shah Kevalchand Tarachand Vardavat got 6.66 shares and Smt. Ashabai Kantilal Vardavat i.e. only heir of Kantilal Vardavat got 6.66 shares from and out of the said 1/5th share (M. E .No. 1403).



g) Tarachand Krishnaji i.e. one of the Attorney as aforesaid, left a will of his share in the property/land pursuant to the said partition and he bequeathed his share equally to Ratanabai Kevalchand and to Smt. Ashabai Kantilal Vardavat (M. E.No. 1409).

h) The share of Shri. Tarachand Krishnaji has/had been dissolved on the Shah Kevalchand Tarachand Vardavat, Sou. Ratanbai Kevalchand Vardavat and Smt. Ashabai Kantilal Vardavat in respect of the lands mentioned in the said Power of Attorneys collectively calculated as one-fifth share which the said Shri. Tarachand Krishnaji was entitled to enjoy in the lands including the land bearing Survey/Hissa No. 117/1 out of the lands above referred to.

i) Shah Vardichand Udaychandji and Shah Umedmal Hazarimal (since deceased) through legal heir Shri. Baboolal Phoolchand Jain are/were entitled to the share of 1/10th interalia in the land bearing Survey/Hissa No. 117/1 out of the aforesaid lands thus on 7/12 extracts in Kabjedar Column the names of 1) Vardichand alias Vardimal Udaychand alias Udaymal, 2) Umedmal Hajarimal (since deceased through Shri. Baboolal Phoolchand Jain), 3) Jugraj Keshrimal, 4) Thakarchand Bhikchand, 5) Mangilal Jawarmal, 6) Ramesh Bhurmal Parmar, 7) Kevalchand Tarachand, 8) Ratanbai Kevalchand, 9) Ashabai Kantilal have been reflected as Attorneys interalia the land bearing Survey/Hissa No. 117/1 out of the lands above referred to.

j) By and under the Development Agreement dated 15th July 2000 registered with the Sub-Registrar of Assurances, Thane – 5 under serial No. 496/2005 on 13.01.2005 together with a Declaration duly sworn by Niranjani L. Hiranandani, Director of the Developers, executed by the said Second Owners in favour of the Developers, the said Second Owners have

granted the development rights, interalia, in respect of the land bearing Survey/Hissa No. 117/1 out of the lands above referred to, for the consideration and on the terms and conditions therein recorded. In pursuance of the Development Agreement dated 15th July 2000 the said **Second Owners** have executed in favour of the nominees of the Developers the Power of Attorney dated 1st August 2000 interalia allowing, authorizing the Attorneys to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

k) That the name of Shanivar Gangaram Daki was recorded as ordinary tenant in the other right column of 7/12 extract of land bearing Survey/Hissa No. 117/1 out of the lands above referred to (M.E.No. 1327).

l) That Shanivar Gangaram Daki expired as on 10.11.1997 having behind his legal heirs wife 1) Jaibai Shanivar Daki, married daughters 2) Chandrabai Kabir Patil and 3) Pushpa Pramod Gondhale and their names were recorded interalia on 7/12 extracts of the land bearing Survey/Hissa No. 117/1 (M.E.No. 1885). That Jaibai Shanivar Daki expired as on 27.06.2005 and accordingly names of only her married daughter 1) Chandrabai Kabir Patil and 2) Pushpa Pramod Gondhale was recorded in the other right column of interalia land bearing Survey/Hissa No. 117/1 (M.E.No.2154).

m) By and under Development Agreement dated 21.02.2000 duly registered with the Sub-Registrar of Assurances Thane-2 under Sr. No. 1292/2000 executed by Jaibai Shanivar Daki (in her lifetime), Chandrabai Kabir Patil and Pushpa Pramod Gondhale and have granted Development Rights interalia in respect of land bearing Survey/Hissa No. 117/1 of



the aforesaid lands for consideration and on terms and conditions recorded therein in favor of the Developers. In pursuance to the Development Agreement dated 21.02.2000 the said Jaibai Shanivar Daki and 2 others have executed in favor of the nominees of the Developers registered Power of Attorney dated 28.02.2000.

n) By and under Development Agreement dated 16.05.2007 duly registered with the Sub-Registrar of Assurances, Thane -5 under document No. 3744/2007 executed by Chandrabai Kabir Patil, Pushpa Pramod Gondhale and others have granted development rights interalia in respect of land bearing Survey/Hissa No. 117/1 out of the lands above referred to for consideration and on terms and conditions more particularly mentioned therein in favor of the Developers. In pursuance to the Development Agreement dated 16.05.2007 the said Chandrabai Kabir Patil and others have executed in favor of the nominees of the Developers registered Power of Attorney dated 16.05.2007 interalia allowing authorizing the attorneys to do perform and carry out various acts, deeds, matters, things, privileges, rights and authorities as contained therein.

In view thereof, we record that the Developers are fully, freely authorized and entitled to deal with and dispose of the Development on the property/land referred above to (constructed and/or otherwise) in the manner and for the consideration and upon the terms and conditions as the Developers may think fit, proper and to receive, recover and appropriate the consideration and all other benefits on the terms of such sale and transfer.

It is observed by us that, vide Notification No. TPS – 1204/Thane/DP/DCR/UD-12 dated 25th May 2006, issued u/s 37(2) of Maharashtra Regional and Town Planning Act,



1966, the Govt. of Maharashtra, Urban Development Dept., Mantralaya, Mumbai – 400 032 have implemented and sanctioned Regulations mentioned therein for development of Spl. Township Project in the area under the Thane Municipal Corporation, further the Govt. of Maharashtra through its Competent Authorities have granted the Locational Clearance bearing orders Nos. TPS – 1206/2682/CR-97/07/UD-12 dated 04th March 2009, and TPS – 1206/2682/CR-97/07/UD-12 dated 7th August 2009 issued by Section Officer of Urban Development Department, Mantralaya, Mumbai for interalia lands including the lands referred above to for the development and construction of buildings thereon.

Further, it is observed that, upon scrutinizing the relevant papers and title deeds etc., and following procedure for implementation of Spl. Township Project, the Thane Municipal Corporation, Thane likely to sanction of plans phase wise, granted Commencement Certificate vide V.P.No. S06/0063/2010/TMC/TDD/388 dated 25.10.2010 on the lay-out to which Locational Clearance granted, and amended Commencement Certificate vide V.P.No.S06/0063/2010/TMC/TDD/1839/16 dated 08.06.2016 and further amended Commencement Certificate vide V.P.No. S06/0063/2010/TMC/TDD/2137/17 dated 11.04.2017 sanctioned the building plans for construction of various building on Plot 'E' Phase of the Spl. Township Project including some of the lands for which the Locational Clearances till this date not granted interalia allowing construction on the portion of lands referred above to, the Thane Municipal Corporation permitted the Developers to construct the building by name 'SOLITAIRE-B' in Plot 'E' Phase in the Special Township Project. Ms. Sharmistha Mukerjee-Shinde, Architect of the Developers has issued certificate dated 29.05.2017 to that effect.



Further, on investigating the copies of documents made available to us for inspection from the **Developers**, including relevant orders wherever applicable under the provisions of Maharashtra Land Revenue Code, 1966, revenue records and search reports, including an Order vide bearing No. TNC 06/2013/C.R.321/J-1 dated 03.08.2013 passed by the Hon'ble Revenue Minister, Maharashtra State, u/s 88 (1)(b) of Maharashtra Tenancy and Agricultural Land Act, 1948 and publication of Official Gazette thereto stating therein that the provisions of Secs. 1 to 87 of the Maharashtra Tenancy and Agricultural Land Act 1948 shall not apply to the notified lands to which the Locational Clearances as aforesaid have been sanctioned by the Govt. to implement Spl. Township Project/Scheme and also we have gone through the Schedule of description of lands mentioned in the notification of Official Gazette interalia including the lands above referred to, and further I/we have gone through 'Public Notice' dated 29.05.2006 in daily 'Thane Vaibhav' published by Sub-Divisional Officer, Thane, Division - Thane wherein given property description interalia, village - Kolshet/Kavesar, wherein mentioned about acquisition of the land by the Govt. under Indian Forest Act 1927, and Maharashtra Private Forest Act 1975 for acquisition of the lands and letter dated 11.12.2012 issued by Range Forest Officer, Thane Forest Division, Thane, mentioned therein in respect of the lands mentioned therein excluding the lands above referred to, listed Survey Nos. of the Kolshet/Kavesar villages are deemed to be "Reserved Forests" as per the provisions of the Maharashtra Private Forest (Acq) Act, 1975 and more particularly, we have gone through specific notification issued under Sec. 37 (2) of Maharashtra Regional and Town Planning Act, 1966, issued by Government of Maharashtra, Urban Development, Mantralaya, Mumbai - 400 032 dated 25th May 2006, bearing No. TPS-1204/Thane/DP/DCR/UD-12, wherein specifically mentioned that non agriculture permission will be automatic. As soon as the scheme is notified, lands notified under Special Township area as per Regulation No. 1 and 2 will be deemed to have been converted into non-



agriculture and no separate permission is required regarding Regulations for Development of Special Township in area under Thane Municipal Corporation, wherein as per Regulation No.2 special concessions have been given. Further we have gone through Spl. Civil Suit No. 775/2009 filed by one Shri. Sukhanraj Jugraj Rathod and others in the Court of Hon'ble Joint Civil Judge (Senior Division), Thane at Thane, interalia, in respect of the lands referred above to, against the Developers for declaration and injunction, however, we found that till this date no final or interim order/s have passed by the Hon'ble Court in the said suit against the Developers. Also one Mangilal Parmar since deceased through Hemant Parmar and others have filed for heirship certificate in the Court of the Hon'ble Civil Judge (Senior Division), Thane at Thane Regular Civil Suit No. 715/2013 in respect of the lands referred above to, the Developer has filed an intervention application in the said suit, which is allowed by the Hon'ble Court and made the Developers Party-Defendant, however, we found that till this date no final or interim order/s have passed by Hon'ble Court in the said suit against the Developers. The Developers have filed Special Civil Suit No.356/2007 in the Civil Court (Senior Division) Thane against Kamlakar R. Gondhali and others interalia in respect of Survey/Hissa No. 117/1 and 116/2 for specific performance of contract and injunction and for such other reliefs and same is pending for further hearing. Developers have filed Special Civil Suit No. 305/2010 in the Civil Court (Senior Division) Thane against Chandrabai Kabir Patil and others interalia in respect of Survey/Hissa No. 117/1 for specific performance of contract and injunction and for such other reliefs and the said suit is pending for hearing of injunction application. In the aforesaid facts and circumstances, we find that the title of the said First and Second owners and the **Developers** to the ½ undivided portion out of Survey/Hissa No. 116/2 and the land bearing Survey/Hissa No. 117/1 i.e. the lands referred above to is clear and marketable, subject to disposal of the Special Civil Suit No. 356/2007, Special Civil Suit No. 775/2009, Regular Civil Suit No. 715/2013 and Special Civil Suit



No. 305/2010 and subject to execution of the Agreement For Sale dated 17.04.2014 executed by Yashwantabai Dwarkanath Gondhali and another, whose names are not recorded/ reflected in the revenue record in kabjedar column as owners in favour of one Shri. Hemchandra Bhaskar Vaidya of Thane and further subject to in respect of the lands referred above to one Adv. Amit A. Shaligram issued notice dated 1st November 2016 to the Promoters on behalf of his clients Kevalchand Tarachand Vardavat and 05 others for alleging and containing things more particularly mentioned in the said notice, which notice is duly replied by the Promoters through their Advocate Ajay Yadav by his letter dated 30th November 2016 by denying each and every allegations made against the Promoters, further also subject to pending final disposal of suit that the representatives of M/s. Vijay Grihnirman Pvt. Ltd. given information that the abovesaid M/s. Vijay Grihnirman Pvt. Ltd. have filed Special Civil Suit No. 80/2015 against Yashwantabai Dwarkanath Gondhali and 3 others.

Thane.

Date: 30.05.2017



S. M. KARNIK
ADVOCATE



AJAY S. YADAV
ADVOCATE