

**Office :**

3<sup>rd</sup> Floor, Basilius,  
Rodas Enclave, Hiranandani Estate,  
Near Commissioner Bungalow,  
Ghod Bunder Road, Patlipada,  
Thane (W) – 400 607.

☎ 2530 8032

**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)

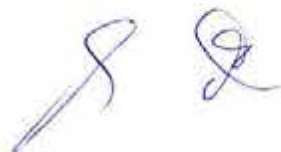
**TO WHOMSOEVER IT MAY CONCERN**

**Property/Land Ref.:** That piece and parcel 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.

The search of the Index II of the above referred land 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 as mentioned in the Search Report, observed an adverse entry recorded therein, that interalia in respect of total area of land referred above to, one Smt. Yashwantabai Dwarkanath Gondhali and Arun Dwarkanath Gondhali have executed an Agreement For Sale dated 17.07.2014 in favour of Shri. Hemchandra Bhaskar Vaidya of Thane.

That the above referred total land was owned by Shri. Dwarkanarh Vishnu Gondhali and others (hereinafter referred to as the said Owners).

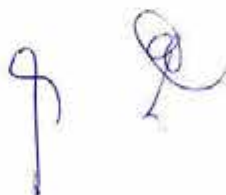
a) Under an order passed by A.L.T. and Tahasildar, Thane vide Case No. 32G/Kavesar/108/2006 dated 03.05.2007 under the provisions of M.T.A.L. Act 1948, Shri. Dhanjishah R.



Zaveri and others sold to kul/Purchaser Shri. Dwarkanath Vishnu Gondhali and others i.e. the said Owners, the total land 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 Kabjedar column by deleting the boja from other right column (M.E. No. 2279).

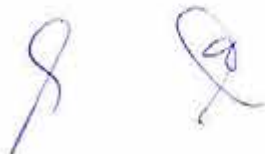
b) By and under the Development Agreement dated 25.08.2006 registered in the office of the Sub-Registrar of Assurances, Thane – 2 under document Sr.No. 6486/2006 executed by the said owners and their close relatives in favour of M/s. Vijay Gruh Nirman Pvt. Ltd., granted the development rights in respect 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 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 5 others i.e. relatives and/or legal heirs of one of the late co-owner out of the said 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 total land referred above to. In pursuance of the said Agreement For Sale dated 01.06.2011 the said Chandrakant Kanha Manera and 5 others executed Regd. Power of Attorney dated 01.06.2011 in favour of the said 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 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 Parties therein in favor of **the Developers**, the said **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 area adm. 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 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.



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 25<sup>th</sup> 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 04<sup>th</sup> March 2009, and TPS – 1206/2682/CR-97/07/UD-12 dated 7<sup>th</sup> August 2009 issued by Section Officer of Urban Development Department, Mantralaya, Mumbai for interalia lands including the ½ undivided portion of total land 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 phasewise, 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 interalia allowing construction on the portion of land out of ½ undivided portion out of total land referred above to, the

Thane Municipal Corporation permitted the Developers to construct the building being at **Sr. No. 11** of plot 'E' known as "**SOLITAIRE-C**" in the Special Township Project at Thane and being constructed on the portion of the land out of ½ undivided portion out of total land referred above to. 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 25<sup>th</sup> 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 total land 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 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 interalia Survey/Hissa Nos. 116/2 of Village Kavesar, 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 total land referred to hereinabove for specific performance of contract and injunction and for such other reliefs and same is pending for hearing. In the aforesaid facts and circumstances, we find that the title of the said owners and the Developers to the  $\frac{1}{2}$  undivided portion out of total land referred above to is clear and

marketable, subject to final disposal of the Special Civil Suit No. 356/2007, Special Civil Suit No. 775/2009 and Regular Civil Suit No. 715/2013, 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 1<sup>st</sup> 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 30<sup>th</sup> 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

